

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., September 6, 2006, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2; Fulton Brock, Vice Chairman, District 1; Andrew Kunasek, District 3; Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Bruce White, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Supervisor Mary Rose Wilcox, District 5, delivered the invocation.

PLEDGE OF ALLEGIANCE

Molly Buchanan, District 5, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

Introduction of the "Pet of the Month" by David Weissman from Maricopa County Animal Care & Control. Mr. Weissman said that Sheldon is a three-year old Sheltie mix who is leash-trained, intelligent, loving and looking for a new master. He also informed the Board that this is the eleventh month during which no healthy, adoptable animal has been euthanized. He asked those listening to help in this effort by coming to adopt a dog or cat, all have been neutralized, vaccinated and licensed. Hundreds of new animals come into the AC&C every month.

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Chairman Stapley called for a public hearing on the following liquor license applications pursuant to A.R.S. §4-201. No protests having been received and no one coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek to recommend approval of the following liquor license applications:

- a. Application filed by Leo Paul Hissey for a Special Event Liquor License: (F23192) (SELL742)

Business Name: St. Steven's Catholic Church
Location: 24827 S. Dobson, Sun Lakes, 85248
Dates/Times: September 24, 2006, 3:00-6:00 pm
November 17, 2006, 5:00 pm – 11:00 pm

- b. Application filed by John J Finan for a Special Event Liquor License: (F23192) (SELL743)

Business Name: Knights of Columbus St. Clare of Assisi Council 12851
Location: 14818 W. Deer Valley Road, Sun City West, 85375
Date/Time: February 3, 2007, 6:00 pm – 11:00 pm

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

- c. Application filed by Roger J. Scharenbroich for a Special Event Liquor License: (F23192) (SELL744)

Business Name: Knights of Columbus #12144
Location: 9728 Palmeras, Sun City, 85373
Date/Time: October 28, 2006, 4:00 pm – 11:30 pm

Motion carried on a majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting “aye” and Supervisor Brock voting “nay” to recommend approval of these three applications.

PUBLIC HEARING – RIO VERDE FOOTHILLS FIRE DISTRICT

Pursuant to A.R.S. §48-261(A), Chairman Stapley called for a public hearing to consider the petitions submitted August 10, 2006, regarding the creation of the proposed Rio Verde Foothills Fire District and the verifications completed by the County Recorder and the County Assessor. At this hearing the Board will receive certification of petitions and issue a final order regarding the creation of the Rio Verde Foothills Fire District. (C0607013700) (ADM4435)

Clerk of the Board Fran McCarroll reported on the verification results of petitions submitted for the formation of this new fire district. She said that 94 petitions in the electors category were received and 373 petitions received in the property owner/property valuation categories. All petitions were sent to the Recorder and Assessor's offices for signature verification. Of the 621 total signatures received in the elector category, 517 were determined to be valid, which fell short of the target by 87 signatures. In the property owner category with 943 total signatures, 338 were disqualified by the Assessor, leaving 605 verified signatures when 1,250 were needed to reach the majority. In the property valuation area the assessed value was \$84,324,465 and the submitted property value was \$20,875,601. Since all three categories failed to meet their target, formation of this district could not be recommended.

Sam West, Chairman of the Rio Verde Foothills Fire District steering committee, thanked County officials for their time and explanations of procedures to help the 40 people working to gather signatures and put this district together during the past year. He said this experience taught the committee members that, “Something needs to be done to change the process. Given what we've been given, and the obstacles that go with it, it is impossible to create a fire district in the area we are in.” He added, “We need some help in trying to figure out how to get emergency services and fire protection in our area.”

He listed problems the committee members believe need to be resolved. Mr. West said the committee understood the methods of computation as it exists. Since they began a year ago there has been reported increases in the number of owners and in the number of parcels – a 36% increase in ownership occurring throughout the year over the number the committee was originally given. Some people own dual-properties and have split their lots, which accounts for the largest increase. Many of the owners live out of state, while others live in other countries for portions of each year and the committee found that 27% of the mailings they sent out were returned as old and undeliverable. He stated that the 338 signatures that were disqualified was more than 35% of the total. He asked how the County can say there are a certain number of property owners when the addresses they gave for them could not be validated? He asked how the committee was supposed to contact the owners for their vote when they were given outdated addresses. He wanted to know how County government can operate with such an inaccurate information base. Mr. West did not cast blame but said the committee does feel that state law needs to be changed because the way it is now written makes success impossible.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

Mr. West had two requests, that a set of instructions be available to define the steps to be taken and to state what petitioners need to know accurately, and he also requested electronic copies of current property owner information so it could be compared with what he was given during the past year. He gave the following statement:

"I want to serve notice as chairman of the Rio Verde Foothills Fire District Steering Committee that the State of Arizona and Maricopa County Board of Supervisors have, by establishing unreasonable statutory requirements and procedures for establishing a fire district, denied the citizens of the proposed Rio Verde Fire District the right of peaceful enjoyment of their property. Further, any fire or help lost sustained that would not have occurred with proper emergency protection by any person living or owning within the boundaries of the proposed fire district shall be the responsibility of Maricopa County and the State of Arizona. Lastly any actions acceptable to the citizens of the area the County could take to help us solve the problem of protection would be greatly appreciated." He added, "We're on borrowed time out there,"

Chairman Stapley thanked Mr. West for his efforts and for coming to inform the Board of his problems. He said, "We don't disagree with you but we don't write ordinances, and statutes and Arizona laws are created by the state legislature and the Governor." He said the County has met with the State on these problems and will continue to do all it can to clarify and facilitate the creation of special districts.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to deny the request to create the Rio Verde Foothills Fire District because the necessary criteria regarding numbers of verifiable signatures were not met.

FIREWORKS PERMIT APPLICATION

Pursuant to A.R.S. 36-1603, motion made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the application filed by Southwest Fireworks for an original Fireworks Display Application: (ADM665-59)

Organization:	Boulder Creek Football Foundation
Location:	40404 N. Gavilan Peak Parkway, Anthem 85086
Date/Time:	September 15, 2006; 6:30 p.m.

MOBILE GARDENS DOMESTIC WATER IMPROVEMENT DISTRICT

Motion made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the resolution of the Maricopa County Board of Supervisors regarding the Mobile Gardens Domestic Water Improvement District Mail Ballot Election. (The Clerk announced requested changes to appointee names [below] prior to the vote.) The resolution does the following:

- o Rescinds the Board of Supervisors action taken on April 5, 2006, to approve a mail ballot election for the Mobile Gardens Domestic Water Improvement District that was to be conducted on September 12, 2006,
- o Rescinds the approval of all subsequent elections to be mail ballot elections,
- o Cancels the election of Directors of the Mobile Gardens Domestic Water Improvement District that was to be held on September 12, 2006, and

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

- o Appoints ~~Gary Delee~~ Richard Benoit and ~~Don Christian~~ Kenneth Gary Jr. as Directors of the Mobile Gardens Domestic Water Improvement District pursuant to A.R.S. §48-1012(E). (C0606052701) (ADM4302)

**RESOLUTION OF THE MARICOPA COUNTY BOARD OF SUPERVISORS
REGARDING THE MOBILE GARDENS DOMESTIC WATER IMPROVEMENT DISTRICT
MAIL BALLOT ELECTION**

WHEREAS the Board of Supervisors approved a mail ballot election for the Mobile Gardens Domestic Water Improvement District on April 5, 2006; and

WHEREAS the Mobile Gardens Domestic Water Improvement District has requested a cancellation of the mail ballot election to be held September 12, 2006; and

WHEREAS the Elections' Manager of the Mobile Gardens Domestic Water Improvement District has notified Maricopa County that there are two open positions on the Board; and

WHEREAS the Elections' Manager of the Mobile Gardens Domestic Water Improvement District has notified Maricopa County that there are only two remaining candidates for these positions; and

WHEREAS pursuant to A.R.S. §48-1012(E) the Board of Supervisors may cancel the election for that office and appoint the person who filed the nominating petition to fill that position if only one person files or no person files a nominating petition for election and

NOW, THEREFORE, BE IT RESOLVED that the Maricopa County Board of Supervisors:

1. Rescinds the action taken on April 5, 2006 to approve a mail ballot election for the Mobile Gardens Domestic Water Improvement District that was to be conducted on September 12, 2006, and
2. Rescinds the approval of all subsequent elections to be mail ballot elections, and
3. Cancels the election of Directors of the Mobile Gardens Domestic Water Improvement District that was to be held on September 12, 2006, and
4. Appoints Richard Benoit and Kenneth Gary, Jr. as Directors of the Mobile Gardens Domestic Water Improvement District. (C0606052701)

DATED this 6th day of September 2006

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

ELECTIONS FOR FIRE DISTRICT BOARD MEMBERS/OFFICERS

Item: Designate the following fire districts within the county which qualify for alternate procedure for electing fire district board members/officers for terms beginning December 1, 2006. Cancel the November 7, 2006, elections for fire district board member/officer in these qualifying districts (C2107006700):

- o Aguila Fire District (ADM4408-001)
- o Circle City-Morristown Fire District (ADM4433-001)
- o Daisy Mountain Fire District (ADM4426-001)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

- o Harquahala Valley Fire District (ADM4424-001)
- o Laveen Fire District (ADM4423-001)
- o Rio Verde Fire District (ADM4431-001)
- o Sun City Fire District (ADM4414-001)
- o Sun Lakes Fire District (ADM4422-001)
- o Wickenburg Volunteer Fire District (ADM4418-001)

Karen Osborne explained alternate procedures for selecting and qualifying fire district board members and officers as provided by statute, and said she would bring a list of people who have filed a petition to run for fire district boards so the Board of Supervisors could make appointments at their next meeting. She said that no write-in candidates have filed for the upcoming election. Fran McCarroll added that if no one files in a district, statute provides for the Fire District Board of Directors to fill vacancies by appointment.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock and unanimously carried (5-0) to designate the fire districts listed above as qualified for an alternate procedure, as provided by law.

CANCEL AND DECLARE VACANT GOVERNING BOARD POSITIONS – CONTINUED

Item: Pursuant to A.R.S. §15-424(D), cancel the election for the list of governing board positions in which only one person filed a nomination petition or a nomination paper as a write-in. Also, appoint the persons who filed said petitions and nomination papers. Cancel the election and declare the governing board positions vacant for which no person filed nominating petitions and allow the Maricopa County Superintendent of Schools to appoint in accordance with A.R.S. §15-302(A). List is on file in the Clerk of the Board's Office. (Addendum item A-1) (C3707003700) (ADM3812-001)

Karen Osborne explained that this item is in regards to a list from school superintendents, of school board races where there are less than, or equal to, the number of candidates, compared to the number of openings that are available. August 9th was the end of the filing period to run for these vacancies and several people have filed as a write-in candidate since that time. If the Board should choose to cancel these elections statute allows the Board to regard those people on the districts' lists as elected and if there is still a vacancy the Superintendent of Schools would appoint someone to fill it. The terms for these offices will begin in January.

Chairman Stapley asked if it would create a problem in printing the ballots if this was continued for two weeks. Ms. Osborne replied that she would request a special meeting if a problem arose because of a continuance. September 28 is the statutory deadline for write-ins. Mr. Stapley observed that this deadline would be cut short by approving this item today, and Ms. Osborne agreed.

Supervisor Kunasek expressed concern in cancelling the election at this time, feeling it would be much better to keep opportunities open to candidates until the deadline. He asked if an outreach could be made in those school districts not having registered candidates to alert citizens who might be willing to become involved in the educational process. He also suggested consolidation of some school districts that continually show apathy. Chairman Stapley reported that he had asked Marty Shultz, who is serving on a committee to review consolidation of school districts, to come to a future meeting to update the Board on the possibility of school district consolidation.

Supervisor Kunasek explained that approximately 70% of local taxes go to schools. He encouraged parents and interested citizens to get involved, not only from the educational standpoint but from the fiscal

FORMAL SESSION
September 6, 2006

aspect as well. He said, "It is disheartening to me to see this many vacancies and we need to try to resolve the problem." The Chairman read the list of school districts having vacancies and no candidates. He asked the Supervisors who have such schools in their district to become involved in trying to advertise the opportunity to their constituents. Ways to legally advertise a "get out the vote, get out the candidates" campaign in the media were discussed.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this item until it is reposted for action. [Clerk's Note: This is not an official part of the minutes: This item was not subsequently heard by the Board.]

YOUTH ALCOHOL VIOLATIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a Letter of Agreement and acceptance of \$40,000 for continued grant funding from the Governor's Office of Highway Safety (GOHS) to target youth alcohol violations within Maricopa County. The term of this agreement is June 1, 2006 through June 30, 2007. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the law. The term of funding for this item was originally anticipated October 1, 2004 through September 30, 2005. However, the GOHS has only recently received its 2005 federal fiscal funding. The Sheriff's Office indirect cost rate for FY 2006-07 is 17.8%. Unrecoverable indirect costs associated with this grant are estimated to be \$7,120. (C5004548301)

HIGH INTENSITY DRUG TRAFFICKING AREA

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve amending the ending date to the term of Amendment No. 1 to the intergovernmental agreement between Pima County Sheriff's Department and Maricopa County Sheriffs Office for the High Intensity Drug Trafficking Area, Maricopa County Methamphetamine Task Force from September 30, 2007 to June 30, 2007. (C5005551302)

TEMPORARY ADDITIONS TO FLEET

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following one-time additions to fleet:

- a. **Motorcycles.** Two red-lined Harley Davidson Motorcycles, Nos. PM1907 and PM1908, to replace two previously-approved one-time additions to fleet, Kawasaki PM1907 and PM1908 that are being returned to Equipment Services to be sold at auction. These replacement one-time additions to fleet will be used as training vehicles for the Sheriff's Motors Unit and will be returned to Equipment Services at the end of their useful lives to be sold at auction, with no funding for replacement from the General Fund. There are no additional costs associated with this action. (C5007005M00) (ADM3104)
- b. **Four-Door Sedan.** Approve a one-time addition to the Sheriff's Office Fleet of one RICO forfeited 2004 Chrysler 300 four door sedan (VIN 2C3JA43R15H568820) that has 33,000 original miles and is valued at \$11,930. This vehicle will be assigned to the Community Relations Enforcement Support Division for use in the Sheriff's Teaching Abuse Resistance to Students Program (S.T.A.R.S.). RICO funds will support its operation, maintenance and fuel costs. This vehicle will be permanently retired at the end of its

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

useful life and funding will not be provided by the General Fund for its replacement and the county's fleet will automatically be reduced. This vehicle will replace a current one-time addition to fleet, a 1999 Chrysler 300, VIN 2C3HE66G6XH523738 (C5004031M00) which will be returned for disposal according to RICO forfeiture provisions. (C5007012M00) (ADM3104)

- c. **Box Trailer.** Approve a one-time addition to fleet of a 6'x10' single axle box trailer, model TW101M, VIN 1WC200D15S2027470 for use by the Sheriff's Bomb Squad. The value of this trailer is estimated to be \$2,890. Operating and maintenance costs are estimated to be \$500 annually to be paid by the Sheriff's Office General Fund (100). No vehicle replacement cost is associated with this temporary addition to fleet, which will automatically be removed from the Maricopa County Sheriff's Office fleet when it is no longer useful. (C5007013M00) (ADM3104)
- d. **Box Trailer.** Approve a one-time addition to fleet of a 2006 BRACO White Box Trailer obtained through DR 01-19014, VIN AZ287448299448, for use by the chain gang. This trailer is valued at \$4,704 and will cost less than \$500 per year to operate. Operating costs will come from the Detention Fund (255). This vehicle will be returned at the end of its useful life with no funding from the general fund for its replacement. (C5007014M00) (ADM3104)

STATE OF ARIZONA COUNTER TERRORISM INFORMATION CENTER

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an intergovernmental agreement between the State of Arizona through its Department of Emergency Management and Maricopa County through the Maricopa County Sheriff's Office for participation in the State of Arizona Counter Terrorism Information Center. This agreement shall become effective upon the approval and filing with the Secretary of State, and will terminate after two years or upon 30-day written notice by either party. This agreement enhances domestic preparedness Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) response services concerning the activities of terrorism. (C5007011200)

Supervisor Brock asked citizens to be vigilant in watching for possible terrorist activities in the State and County. Supervisor Wilson reported that he has asked representatives of the Sheriff's Office and Emergency Management to give a status report on their activities and readiness to Board Members.

DONATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the acceptance of two donations to the Sheriff's Office for use by the Maricopa County Sheriff's Office Animal Safe Hospice Unit:

- o From Jeremy Garcia, in the amount of \$2,155, and
- o From Pets 911 Foundation, in the amount of \$2,000. (C5007015M00) (ADM3900)

**FORMAL SESSION
September 6, 2006**

PURCHASE AND ADDITION TO THE COUNTY FLEET

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the purchase of one full-size sedan for Juvenile Probation at an estimated cost of \$26,200. The vehicle will be purchased with Detention Operations Fund (255) within the current FY 2006-07 expenditure appropriations. Approve the permanent addition of this full-size sedan vehicle to the Maricopa County Fleet. Operating and maintenance costs for the new vehicle, estimated to be \$7,000 annually, will be funded from the department's current General Fund (100) expenditure appropriation. Funding from the Detention Operations Fund (255) will be used for replacement of this vehicle. (C2707002M00) (ADM3104)

APPOINTMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the appointment of Quentin V. Tolby as Pro Tempore Justice of the Peace for the period from September 6, 2006 through December 31, 2006, to serve in the various programs in the Justice Courts to reduce trial delay. (C2407001700) (ADM1001)

LUMP SUM PERFORMANCE INCREASES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a request for payment of three one-time lump sum performance increases as authorized by Judicial Policy P-305B "Judicial Human Resources Compensation Policy & Procedure" Section XI.E Performance/Merit Increases. The increases would be effective upon Board of Supervisors' approval and include: Janice Waggoner, one-time lump sum of \$1,170; Jessica Funkhouser, one-time lump sum of \$2,085; and Hugh Gallagher, one-time lump sum of \$2,500. (C3807003800) (ADM3308-001)

WAIVER TO THE MARICOPA COUNTY COMPENSATION PLAN

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a waiver to the Maricopa County Compensation plan, Section VII.A to allow a retroactive salary advancement for Capital Mitigation Specialist, Mary Durand, in the amount of \$1.82 per hour from July 4, 2005 to July 2, 2006. The retroactive pay, including benefits, will come from budgeted funds and will not exceed \$4,437. (C5607001600) (ADM3308-001)

FUNDS FOR SUN LAKES FIRE DISTRICT

Pursuant to A.R.S. §42-17105, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Maricopa County Manager's Office, via a Partnership Resolution between Maricopa County and the Sun Lakes Fire District (SLFD) to apply for Gila River Indian Community Proposition 202 Indian Gaming Funds in the amount of \$36,600. Authorize the Chairman of the Maricopa County Board of Supervisors to sign the grant application; approve the grant funds and approve the resolutions. If funds are received, authorize the County Manager's Office to pass funds through to the SLFD. Upon receipt of funds this action will require an appropriation adjustment to General Government Grant Fund (249), increasing the FY 2006-07 revenue and expenditure budgets by \$36,600, and the creation of an appropriate new line item in General Government (470) General Government Grant Fund (249) Pass Through Grants (4712). Maricopa County will act as the pass-through agency for SLFD and will pass through \$36,600 in FY 2006-07.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C2007008300)

RESOLUTION

A RESOLUTION OF THE CHAIRMAN AND BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA AUTHORIZING THE SUBMITTAL OF A GRANT REQUEST LETTER FOR FUNDING FOR SUN LAKES FIRE DEPARTMENT TO THE GILA RIVER INDIAN COMMUNITY, AUTHORIZING ACCEPTANCE OF FUNDS GRANTED AND AUTHORIZING THE EXECUTION OF SAID APPLICATION.

BE IT RESOLVED by the Chairman and Board of Supervisors of Maricopa County, Phoenix, Arizona as follows: (C-20-07-008-3-00)

- Section 1.** The Maricopa County Manager's Office is authorized to submit a Grant Request letter(s) to the Gila River Indian Community for Proposition 202 Indian Gaming Funds in the amount of \$36,600 in FY 2007.
- Section 2.** The Maricopa County Manager's Office is hereby authorized to accept grant funds from the Gila River Indian Community and to pass-through these funds to Sun Lakes Fire Department.
- Section 3.** The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant letter(s)/application(s), and necessary acceptance documentation.

DATED this 6th day of September 2006

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

REJECT CLAIMS DEMANDS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to reject claim demands for June and July, 2006, for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to the A.R.S. §11-629 (not a proper charge against the county) and A.R.S. §11-622 (claims not having been filed within six months after the last item of the account accrues). (ADM1804) (C3907001700) (C3907002700)

**MONTHLY REPORT
JUNE 2006**

Vendor	Amb., Doctors, Hosp. ARS 11-629	Over Six Months ARS 11-622
Advanced Cardiac Specialists	3,995.00	0.00
Allure Plastic Surgery Pc	63,471.00	0.00

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
September 6, 2006

Arizona Heart Anesthesia PLLC	1,815.00	0.00
Arizona Heart Institute	32.00	0.00
Arizona Medical Imaging	405.20	0.00
Arizona Ophthalmic Outpatient	1,440.38	0.00
Az Kidney Disease Hypertension	100.00	0.00
Az Neurological Institute	720.00	0.00
Az Orthopedic/Fracture Surgeon	136.00	0.00
Banner Baywood Medical Ctr	11,511.13	0.00
Banner Estrella Medical	15,498.24	0.00
Banner Good Samaritan Reg Med	44,530.42	0.00
Banner Mesa Medical	7,505.65	0.00
Banner Thunderbird Med Center	46,823.76	0.00
Buhrow Jack A Dds	6,450.00	0.00
Cahill Bruce M	1,280.00	0.00
Clin Path Pathology	33.45	0.00
Clinical Diagnostic Radiology	1,474.00	0.00
Desert Hospitalists PC	445.00	0.00
Eacmc Arizona	525.00	0.00
Emergency Physicians Prof Asso	5,183.00	0.00
Emergency Professional Svcs PC	700.00	0.00
Labcorp	128.00	0.00
Lydia Cohan M.D.	1,610.00	0.00
Maricopa Health Systems	565,145.14	0.00
Medpro	111,519.31	0.00
Phoenix Anesthesia Consultants	490.00	0.00
Phoenix Memorial Hospital	9,933.84	0.00
Professional Medical Transport	3,615.44	0.00
Pulmonary Associates	240.00	0.00
Radiology Services	19.00	0.00
Reese, Gary N.	65.00	0.00
Rocky Mountain Hldgs, LLC	10,106.29	0.00
Rural Metro Ambulance	3,796.15	0.00
Saliba's Extended Care	1,104.03	0.00
Southwest Ambulance	4,619.64	0.00
St Josephs Hosp Arizona	4,129.00	0.00
St Luke's Medical Center	2,751.66	0.00
Valley Anesth Consultants Ltd	510.00	0.00
Grand Totals:	933,856.73	0.00
Restitution	0.00	
Totals Denials:	933,856.73	

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
September 6, 2006

MONTHLY REPORT
JULY 2006

Vendor	Amb., Doctors, Hosp. ARS 11-629	Over Six Months ARS 11-622
Advanced Cardiac Specialists	1,518.00	0.00
Affiliated Cardiologists	4,115.00	0.00
Allure Plastic Surgery Pc	9,615.00	0.00
American Ambulance	680.82	0.00
American Physicians Inc	175.50	0.00
Arizona Heart Institute	310.00	0.00
Arizona Medical Imaging	23.00	0.00
Arizona Ophthalmic Outpatient	1,440.38	0.00
Az Neurological Institute	565.00	0.00
Banner Desert Medical Ctr	2,357.45	0.00
Banner Good Samaritan Reg Med	446,798.38	0.00
Banner Thunderbird Med Center	17,544.02	0.00
Cardiac Care Consultants	113.00	0.00
Copper State Orthopedics	275.00	0.00
Eacmc Arizona	1,200.00	0.00
Emergency Physicians Prof Asso	1,233.00	0.00
Gottlieb, Marc E. Md. Pc	55.00	0.00
Hanger Prosthetics & Orthotics	1,034.00	0.00
Hospitalists Of Arizona	1,012.00	0.00
Maricopa Health Systems	436,803.97	0.00
Medpro	61,519.67	0.00
Noble, Paul Rnfa	2,800.00	0.00
Pathology Specialists Az	33.45	0.00
Phoenix Heart Center	265.00	0.00
Phoenix Infectious Disease	1,620.00	0.00
Phoenix Memorial Hospital	79,822.95	0.00
Professional Diagnostix	92.00	0.00
Professional Medical Transport	12,796.40	0.00
Rural Metro Ambulance	5,455.04	0.00
Saliba's Extended Care	1,309.05	0.00
San Geronio Memorial Hospital	396.16	0.00
Scottsdale Emergency Associate	586.00	0.00
Sjh Trauma Billing	29.00	0.00
Southwest Ambulance	6,478.01	0.00
St Josephs Hosp Arizona	98,092.37	0.00
St Luke's Medical Center	42,039.87	0.00
Valley Anesth Consultants Ltd	1,710.00	0.00
Grand Totals:	1,241,913.49	0.00
Restitution	0.00	
Totals Denials:	1,241,913.49	

**FORMAL SESSION
September 6, 2006**

PERSONNEL AGENDAS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas with the added addendum as reported by the Clerk. Exhibits A and B will be found at the end of this set of Minutes.

FAMILY PLANNING SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively approve Amendment No. 4 to the intergovernmental agreement (IGA) titled Reproductive Health/Family Planning Services (C8603098203) from Arizona Department of Health Services (ADHS) to Maricopa County Department of Public Health. The ADHS IGA number is HG361140. This grant was previously approved on the 2006 Letter of Intent (C86060433LI; Item 15) in the amount of \$238,348. This amendment increases this amount by \$30,320. The term of this amendment is June 23, 2006 to September 30, 2006. MCDPH's indirect rate is 16.67% and the grant indirect costs are reimbursable at a rate of 16.67%. Full indirect costs are estimated at \$4,332, of which \$4,332 is fully recoverable. Approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the grant in an amount of \$30,320. The appropriations adjustment is necessary because these funds were not included in the FY 2006-07 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8607009200)

LEARNING EXPERIENCES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively approve and sign an affiliation agreement with Brigham Young University – Idaho to allow students from their Health Sciences program to participate in learning experiences at the Maricopa County Department of Public Health. The agreement is non-financial, and the term is retroactive from July 1, 2006 and valid through June 30, 2011. Retroactive approval was requested due to the delay in receiving signed agreements. (C8607012000)

CLINICAL DIETETIC EXPERIENCE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an intergovernmental affiliation agreement between Maricopa County, through its Department of Public Health, and the Arizona Department of Health Services to provide clinical dietetic experience for graduate students in the dietetic internship. The agreement is non-financial and the term is retroactive from July 1, 2006 through June 30, 2011. (C8607013000)

SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an intergovernmental agreement with the Paradise Valley Unified School District #69 to provide school-based tobacco use prevention and education services. The term of the agreement is retroactive from July 1, 2006 through May 1, 2007, for a contract dollar amount not-to-exceed \$45,500. (C8607423200)

**FORMAL SESSION
September 6, 2006**

CASE MANAGEMENT SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the intergovernmental agreement with Pinal/Gila Long Term Care for the provision of Ryan White Title I Case Management Services to individuals affected by HIV/AIDS. The Ryan White Title I Program is administered through the Maricopa County Department of Public Health and serves the eligible metropolitan area of Maricopa and Pinal counties. The term of the contract is retroactive from June 1, 2006, and continues through February 28, 2007, for a contract amount not-to-exceed \$85,000. Pinal/Gila Long Term Care was the successful respondent to a Request for Proposal (MC1-328) issued by the Department of Public Health on December 6, 2005 (PH RFP 05-023). Under this solicitation, the contract may be renewed through February 28, 2011. (C8607810200)

TARGETED OUTREACH SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the contract with Ebony House for the provision of HIV targeted outreach services (Minority Aids Initiative) to individuals and families affected by HIV/AIDS. The term of the contract is retroactive to June 1, 2006, and continues through February 28, 2007, for a contract amount not-to-exceed \$70,000. Ebony House was the successful respondent to a Request for Proposal (MC1-328) issued by the Department of Public Health on March 2, 2006 (PH RFP 06-008). Under this solicitation, the contract may be renewed through February 28, 2009. (C8607847100)

LEASE AMENDMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an amendment to agenda item CS 916102, dated September 8, 1992, which approved Lease No. L7142 with Dr. Henry Bock, for 2,976 square feet of WIC office/clinic space at 9100 N. Central Avenue, Phoenix, AZ. Due to the passing of Dr. Bock, the title to the property has been change to "Bock Family Trust, Henry and Claire Bock Trustee, effective August 10, 2006." The lessor is the only change to the lease agreement; all other terms and conditions of the current lease remain the same. As such, this is an informational request. (C8698013406)

TERMINATION OF LEASE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve termination of Lease No. L7213 with Phoenix Corporate Center, lessor, Community Development Administration office space located at 3003 N. Central, Suite 1040, Phoenix, Arizona. The lease provides an early termination with no penalty, by giving the landlord nine months notice, effective at the end of the fiscal year (June 30) provided that funds for the lease expenses have not been appropriated. This termination, if approved, will exercise the option as of June 30, 2007. This approval also authorizes giving the landlord notification of lease termination. (C1707044400) (C17990354YY)

TRAINING AND FACILITATOR SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 between Murro Partners, LLC and the Maricopa County Human Services Department, Workforce Development Division, to provide training and facilitator services for clients of the Workforce Investment Act. This increase in contract value is \$15,000 (from \$50,000 to \$65,000).

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

The amendment changes the term of the contract from July 1, 2006 to June 30, 2007. There are no county funds involved with this contract. (C2205149101)

PERMIT FOR USE OF PARKS AND RECREATION FACILITIES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute renewal of "Permit for Use of Parks and Recreation Facilities" No. L7264 with the City of Mesa Parks, Recreation and Cultural Division, for the purpose of providing space at no cost to Maricopa County for a Head Start Program location. The term for the "Use Permit" runs from August 15, 2006, through May 29, 2007, from 8:00 a.m. to 12:30 p.m., Monday through Thursday. This permit is specifically for a classroom and appurtenant facilities at the Washington Activity Center located at 44 E. 5th Street, Mesa, Arizona. (C2206103201)

WORKFORCE INVESTMENT SYSTEM ACTIVITIES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively approve an intergovernmental agreement (IGA) between Maricopa County Human Services Department and the Arizona Department of Economic Security, Rehabilitation Services of Arizona for FY 2006-07 in the amount of \$28,700. This agreement provides for workforce investment system activities that increase the employment, retention and earnings of participants and increase the occupational skill attainment by disabled participants through a satellite office located at the Arizona Industries for the Blind at 3012 W. Lincoln, Phoenix, Arizona 85009 and an Assistive Technology Center at the Gilbert One-Stop Center at 735 N. Gilbert Road, Gilbert, Arizona 85234. The term of the IGA is from May 1, 2006 through June 30, 2011. The IGA will be funded on an annual basis depending on the availability of funding. Prior to accepting additional funding, an amendment will be prepared to obtain Board approval. This contract does not contain any county general funds. (C2207098200)

ON-SITE VISITOR SURVEY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to Intergovernmental Agreement (IGA) C3005043200, dated July 18, 2005, between Maricopa County, through its Parks and Recreation Department, and the Arizona Board of Regents, acting for, and on behalf of, Arizona State University. Under the IGA, Arizona State University developed and administered for the Parks Department a year-long, on-site visitor survey. The purpose of the survey was to assess perceptions of service and quality, activity preferences, setting/facility preferences, attitudes toward park fees and demographic information. Under this amendment, Arizona State University will:

- o Extend the term of the original agreement to August 31, 2007,
- o Amend the Scope of Work as outlined in the amendment; and
- o Increase the total reimbursement in the amount of \$2,500, from 45,008 to \$47,508.

Funding for this increase is available and budgeted in the Parks & Recreation Department (Dept 300) Enhancement Fund (Fund 241-305) for the FY 2006-07 budget. (C3005043201)

**FORMAL SESSION
September 6, 2006**

WATER SERVICE TO USERY MOUNTAIN REGIONAL PARK

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute the City of Mesa utility service agreement to provide city water service to Usery Mountain Regional Park, including payment of the \$16,176 in development fees associated with the agreement. Funding is available in the Parks CIP budget for FY 2006-07 (Fund 445, Org 4833). (C3007004100)

PURCHASE OF DIVE GEAR

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize and approve the acceptance of funds from the State of Arizona Game and Fish Department in the amount of \$2,581 for the purchase of dive gear for Lake Pleasant Regional Park per the Memorandum of Understanding (C30050152). Execute the Collection Agreement effective July 1, 2006 through June 30, 2007. (C3007005300)

USERY MOUNTAIN WATER SYSTEM PROJECT

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer and expenditure authority of \$45,000 from the General Fund Capital Improvement Fund (Fund 445, Agency 486, Org 4833) Estrella Campground Design Project, to same fund (Fund 445, Agency 486, Org 4833) Usery Mountain Water System Project. Funding for both projects was approved by the Board of Supervisors on June 19, 2006, as a part of the FY 2006-07 Capital Improvement Program budget. The Estrella Campground Design is expected to be under budget and this is a transfer between project function codes only. (ADM3200-003)

Award the contract for the Usery Mountain Water System Project to Pierson Construction Corporation for \$546,793, which is 22% above the engineer's estimate. Higher than estimated costs resulted from increased pricing for materials related to PVC pipe, a petroleum product. The call for bid was authorized under C30060385. (C3007006800)

KENNEL PERMIT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the kennel permit for Elia Ramirez, d.b.a. Elia Ramirez Kennels, P O Box 15034, Phoenix, AZ 85060, Permit #430 for the term of August 16, 2006 through August 15, 2007. The cost of the kennel permit is \$328. (C7907006C00) (ADM2304)

KENNEL PERMITS RENEWALS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the kennel permit renewal for Linda Clapp, d.b.a. Clapp Kennels, P O Box 56, Tonopah, AZ 85354, Permit #409 for the term of August 16, 2006 through August 15, 2007. The cost of the kennel permit is \$328, plus a return trip charge of \$49; totaling \$377. (C7907005C00) (ADM2304)

**FORMAL SESSION
September 6, 2006**

RESTRICTED DONATIONS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the acceptance of the following restricted donations to Maricopa County Animal Care & Control. Donation revenue funds are deposited into Fund (573) as they are received.

- a. From the Town of Paradise Valley, Arizona, in the amount of \$1,000, to support the Big Fix Program which subsidizes the cost to spay or neuter pets for low income families in the Northeast Valley. (C7907007700) (ADM2300)
- b. From the PETCO Foundation, in the amount of \$750, to be used for the Moonlight Muttiness & Meow event on October 7, 2006. (C7907008700) (ADM2300)

FUND TRANSFERS; WARRANTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

LEASE TERMINATION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve termination of Lease No. L7284 with HB-Monroe Owner, LLC, for the Public Fiduciary office located at 111 W. Monroe, Suite 500, Phoenix, AZ. The current lease provides for an early termination option with 180-day written notice to the landlord. The termination will be effective on or about February 28, 2007. This approval will formally exercise the termination option. (C1807003400) (C39040014YY)

DURANGO ANIMAL CARE AND CONTROL FACILITY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and authorize the Chairman to sign the Declaration of Official Intent for the Durango Animal Care and Control Facility. The declaration will allow the County Improvement Fund (Fund 435) to be reimbursed for capital expenditures should the county decide to issue tax exempt borrowings to fund this project. Direct the Department of Finance to identify financing options for this project to be approved at a future Board meeting. Capital expenditures budgeted for FY 2006-07 in Fund (435) are \$9,650,000. The Declaration of Official Intent will not exceed budget authority of \$9,650,000. Authorize the Department of Finance to issue tax exempt borrowings for the Durango Animal Care & Control Facility project for an amount not-to-exceed \$16,880,000 (FY 2006-07 \$9,650,000 and FY 2007-08 \$7,230,000). This also approves a revenue appropriation adjustment not-to-exceed \$16,880,000 for proceeds from debt financing in General Government (470) County Improvement Fund (435). (C1807004800) (F23211)

**FORMAL SESSION
September 6, 2006**

DECLARATION OF OFFICIAL INTENT

For Reimbursement of Expenditures for the Durango Animal Care and Control Facility

1. Maricopa County, Arizona (the "Issuer") has determined a need to construct the Durango Animal Care and Control Facility (capital project) to replace an existing obsolete facility. The capital project will result in the ability to meet the increasing demands for adoptable pets and to enhance customer service.
2. A portion of the expenditures relating to the Project (the "Expenditures") (i) has been paid within sixty days prior to the date hereof or (ii) will be paid on or after the date hereof.
3. The issuer reasonably expects to reimburse the Expenditures with proceeds of a tax exempt borrowing.
4. The maximum principal amount of obligations expected to be issued is \$16,880,000. The capital project expenditures are anticipated to cover two fiscal years; fiscal year 2007 for \$9.65 million and fiscal year 2008 for \$7.23 million. This Declaration of Intent is for the fiscal year 2007 for \$9.65 million.

The undersigned has been authorized by the Issuer to make and sign this Declaration on behalf of the Issuer pursuant to action taken by the Board of Supervisors on September 6, 2006. (C1807004800)

DATED this 8th day of September 2006

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

DETENTION OPERATIONS FUND

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a fund transfer in the amount not-to-exceed \$450,000, from General Government Grants Fund (Dept. 470 Fund 249) to Appropriated Fund Balance Detention Operations Fund (Dept. 480, Fund 255). This action will require an increase to the expenditure appropriation for General Government (Dept. 470) General Government Grants Fund (249) Pass Through Grants (4712) and the revenue appropriation Appropriated Fund Balance (Dept 480) Detention Operations Fund (Fund 255) of \$450,000, with offsetting revenue and expenditure adjustments to eliminations in the Elimination Fund (Dept. 980, Fund 900). These actions will have a countywide impact of zero. This action is being requested to transfer accumulated interest income from the State Criminal Assistance Program from Fund (249) fund balance to Detention Operations Fund (255). (C1807005800) (ADM3900-003)

SOLICITATION SERIALS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

FORMAL SESSION
September 6, 2006

Awards

- 06030-S Construction Equipment Rental with Operator** (\$800,000 estimate/three years with three one-year renewal options). Price agreement to provide rental of construction equipment with operator for use by the departments of Transportation and Flood Control.
- o Dirty Dog Construction Corp.
 - o Qualex Construction, Inc.
 - o Quality Construction Corp.
- 06081-C Waste Containers, Stationary, Hydraulic; Purchase, Delivery** (\$2,000,000 estimate/three years with three one-year renewal options). Price agreement to purchase 16 or more stationary waste containers for use by the Solid Waste Management Department.
- o Haul-All Equipment

Renewals/Extensions

Renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until June 30, 2007

- 01091-SC Employee Life Insurance** (\$5,000,000 estimate/six months). Contract to provide for life insurance coverage for Maricopa County employees and their dependents as required. This extension aligns this contract with other county benefit contracts expiring at fiscal year end.
- o Unum Provident Corporation

Until September 30, 2008

- 03120-C Traffic Signal Poles, Standards and Brackets** (\$600,000 estimate/two years). Price agreement renewal to purchase traffic poles, arms, standards and brackets for use by the Maricopa County Department of Transportation in traffic control.
- o Ameron International
 - o Valmont Industries

Increase in the price agreement amount for the following contracts. This request is due to an increased usage by county departments.

- 01012-RFP Outside Audit, Accounting and Consulting Services** (\$1,500,000 increase). Increase contract value from \$5,744,000 to \$7,244,000. This \$1,500,000 increase is requested by Health Care Mandates to fund the completion of on-going projects initiated prior to contract expiration by three vendors. This contract was renewed by the Board of Supervisors on June 8, 2005, in the amount of \$4,200,000 and extended by the Materials Management Director for an additional \$344,000 on June 22, 2006. The contract expiration date is August 31, 2006.
- o Clifton Gunderson, LLP

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

- o Deloitte Consulting, LLP
- o EP & P Consulting
- o Ralph Andersen & Associates
- o Mercer Human Resources Consulting

04180-RFP Public Relations Services (\$5,000,000 increase). Increase contract value from \$600,000 to \$5,600,000. This \$5,000,000 increase is intended to ensure that this contract contains a sufficient dollar value that would permit use by all county agencies as required. This contract was approved by the Board of Supervisors on January 19, 2005, and has an expiration date of January 31, 2008.

- o ACS/Conaid, Inc.
- o Angeles Marketing Group
- o Barclay Communications, Inc.
- o Godec Randall & Associates, Inc.
- o Guerra Deberry Coody
- o Katherine Christensen & Associates, Inc.
- o Kristin Darr & Associates, LLC
- o Riester-Robb
- o Topete-Stonefield, Inc.

05041-ROQ Specialty Legal Services Providers – County Attorney (\$17,000,000 increase). Increase price agreement value from \$12,900,000 to \$29,900,000. This \$17,000,000 increase is requested by Risk Management and Healthcare Mandates for Specialty Legal Attorney Services to carry them through contract expiration. The Board of Supervisors approved the original contract in the amount of \$8,400,000 on July 6, 2005, and subsequently approved an increase to \$12,400,000 on April 19, 2006. In addition, the Materials Management Director approved an interim \$500,000 increase on August 17, 2006. Contract expiration date is July 31, 2008.

Bonnett Fairbourn
Bryan Cave, LLP
Burch & Cracchiolo, PA
Calderon Law Offices
Charles W. Whetstine, PC
Cople, Boehm & Murphy, PC
Dean M. Wolcott
Fadell, Cheney & Burt, PLLC
Frazer, Ryan, Goldberg, Arnold
Grant Woods, PC
Gray & Fassold, PC
Green & Baker
Greenberg Traurig, LLP

Martin Hart & Fullerton, PC
Meagher & Geer
Miller LaSota & Peters, PLC
Moyes Storey, LTD
Meyer Hendricks & Bivens, PA
Olson, Jantsch & Bakker, PA
O. R. Colan Associates
Paul F. Lazarus, PC
Quarles & Brady
Ridenour, Hienton, Kelhoffer
Ryan Rapp & Underwood, PLC
Ryley Carlock & Applewhite

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

Gust Rosenfeld, PLC	Sacs Tierney, PA
Helm & Kyle	Squire, Sanders & Dempsey
Barbara Lee Caldwell, PC	Swenson Storer Andrews
Hopkins & Kreamer, LLP	Thomas, Thomas & Appel, PC
Iafrate & Associates	Wilenchik & Bartness, PC
Irvine Law Firm, PA	Zwillinger & Georgelos, PC
Jardine, Baker, Hickman & Hous	Cooper & Kirk, PLLC, (added 07/21/05)
Jennings, Haug & Cunningham	Harper Christian Dichter Graif
Jennings, Strouss & Salmon	Law Offices Of Douglas V. Fant
Jones, Skelton & Hochuli, PLC	Law Office of Jerry A. Fries
Jorden Bishoff McGuire & Hise	Johnston Law Offices, PLC
Kenneth S. Countryman, PC	Jones Day
Klein, Lundmark, Barberich	William M. Lawson Jr., PA
Kutak Rock	Julie M. Lemmon
Law Offices of R. Strohm, PC	Ogletree Deakins, PC
Lewis Brisbois	Sanders & Park, PC
Littler Mendelson	Snell & Wilmer, LLP
Mariscal, Weeks et al	Williams & Associates
	Schleier, Jellison & Schleier (removed 6/22/06)

05159-RFP Carrier Services – Correct contract term from five years with five one-year renewal options to five years with ten one-year renewal options. In addition, the expiration date should be corrected to July 31, 2011. This item was approved by the Board of Supervisors on the July 26, 2006.

CAPA

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

Assessor
Justin Frank

Superintendent of Schools
Chandra Lizarraga
Carina Velasquez

Elections
Jean Mueller

Materials Management
Virginia Hernandez

Parks and Recreation
R.J. Cardin
Teresa Retterbush
Dawna Taylor

Facilities Management
Anthony Cook
Benny Estrada
Robert Gladden
Brian Hinrichs
Arthur Jones
Dan McNeil
Andrea Semier
Rick Steadman

TEHERO V. MARICOPA COUNTY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the settlement in Tehero v. Maricopa County, CV03-016914, in the amount of \$500,000. This item was discussed in Executive Session on August 14, 2006. (C7507009100) (ADM409)

**FORMAL SESSION
September 6, 2006**

VOLUNTARY VEHICLE REPAIR AND RETROFIT PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve amendment #1 to the Governmental Services Contract (GSC) EV06-0008 between the State of Arizona Department of Environmental Quality (ADEQ) to approve a new Scope of Work and extend the contract period through June 30, 2007. Also, approve acceptance of \$725,000 in grant like funds from ADEQ to provide funding to the Maricopa County for the Maricopa County Voluntary Vehicle Repair and Retrofit Program (VVR&R). The award period is from July 1, 2006 through June 30, 2007. The base GSC allowed renewals for up to four additional years with this amendment being the first renewal. All indirect costs are allowable and fully recoverable. The Department's FY2006-07 authorized indirect cost rate is 14.70% and will be applied and the total estimated indirect costs are \$24,350.48. This grant is a reimbursement grant and no matching funds are required. The original grant was approved under C85050233 on July 6, 2005. (C8506029300)

REVOCABLE PERMIT FOR ENCLOSURE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Chairman of the Board of Supervisors to execute a Revocable Permit with the City of Phoenix, Arizona Revocable Permit No. RP-06029-01, for the installation, use and maintenance of a six foot block wall enclosure for the purpose of a refuse containment area and secured parking lot within the City of Phoenix right-of-way adjacent to the Downtown Justice Center. (C7007009000) (ADM646)

DOWNTOWN JUSTICE CENTER PROJECT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order No. 4 to Contract C7004068800 with D.L. Withers Construction, L.C., for construction of the Downtown Justice Center Project, located at 600 W. Jackson Street, Phoenix, in the amount of \$900,596. Change Order No. 4 will allow for the labor, materials and equipment for installation of audio visual equipment. The recommended changes are within the approved project budget as amended by agenda item C7006023800. (C7007010500)

PURCHASE OF WEB-BASED SOFTWARE

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer of expenditure authority between General Government (470) General Government Grant Fund (249) General Government Grants (4711) and Planning and Development Department (440) Planning and Development Fee Fund (226) for the purchase of web-based software. This action will require an expenditure appropriation adjustment decreasing the FY 2006-07 General Government (470) General Government Grant Fund (249) General Government Grants (4711) by not-to-exceed \$1,073,600, and increasing the FY 2006-07 Planning and Development (440) Planning and Development Fee Fund (226) by not-to-exceed \$1,073,600. Fund Balance from the Planning and Development Fee Fund (226) will be used for the expenditure. Ongoing operational costs will be paid using recurring fee generated revenue. Approval of this action will allow the purchase of web-based replacement software for Permits Plus to allow customers to initiate permits, submit digital plans, check approval status and retrieve mark-ups/red-lines all via the internet. Additionally, it will enable faster electronic plan distribution to the One Stop Shop plan reviewers. Once received, the plans can be reviewed and red-lined digitally, which will result in faster and clearer communication with the customer and a much shorter submittal-to-approval review cycle.

**FORMAL SESSION
September 6, 2006**

One-time expenditures will include software and conversion services for the transfer of data totaling not-to-exceed \$763,000. Ongoing operational costs will include hardware and maintenance totaling not-to-exceed \$310,600. The operating budget for FY 2007-08 will be adjusted to accommodate the increase. (C4407003000) (ADM3400-002)

LANDFILL ENVIRONMENTAL SITE ASSESSMENTS

Pursuant to A.R.S. § 42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer of expenditure authority between General Government (470) General Government Grant Fund (249) General Government Grants (4711) and Solid Waste Department (670) Solid Waste Management Fund (580). The expenditures include not-to-exceed \$200,000, for an Environmental Consulting Services Request for Proposals for Landfill Environmental Site Assessments, a Financial Liability Calculation and a Drainage Study at various Maricopa County Solid Waste properties. This action will require an expenditure appropriation adjustment decreasing the FY 2006-07 General Government (470) General Government Grant Fund (249) General Government Grants (4711) by not-to-exceed \$200,000, and increasing the FY 2006-07 Solid Waste Department (670) Solid Waste Management Fund (580) by not-to-exceed \$200,000. The adjustment will result in a countywide net impact of zero. Fund Balance from the Solid Waste Management Fund (580) will be used for the expenditure. Approval of this action allows the department, in conjunction with Maricopa County Risk Management, to better understand county liability, set a plan for future liability mitigation, and properly budget for required standards of stewardship of closed landfills on Maricopa County owned land. (C6707001800) (ADM2075)

ADDITIONS TO FLEET

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a permanent addition to the Solid Waste Management Department fleet of the following:

- o Two Class 1, Over the Road, Twin Axle Tractors rated at 80,000 pounds loaded,
- o Four 53' Tandem Axle, Walking Floor, Open Top, Transfer Trailers, and
- o One 7'x16' Tandem Axle Utility Maintenance Trailer.

Funding for future replacements has been budgeted in the SWMD long-range budget. (C6707002800) (ADM3104)

EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

A282.010 Project No.: TT011 - Tuthill Road (Queen Creek Road to Pecos Road) - Warranty Deed
(DLK) - Parcel No.: 400-58-043F & 043M - NARRAHILL, L.L.C., an Arizona limited liability company - for the sum of \$48,000.00.

A282.010 Project No.: TT011 - Tuthill Road (Queen Creek Road to Pecos Road) - Purchase
(DLK) Agreement and Escrow Instructions - Parcel No.: 400-58-043F & 043M - NARRAHILL, L.L.C., an Arizona limited liability company.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

- A307.001 (RES) Project No.: TT176 - Forepaugh Peak Road (US HWY 60 to North Section Line) - Warranty Deed - Parcel No.: 506-09-019A, 506-09-019C, 506-09-065 and 506-09-066 - Forepaugh Cattle Co., an Arizona Corporation - for the sum of \$41,650.00.
- A307.001 (RES) Project No.: TT176 - Forepaugh Peak Road (US HWY 60 to North Section Line) - Purchase Agreement and Escrow Instructions - Parcel No.: 506-09-019A, 506-09-019C, 506-09-065 and 506-09-066 - Forepaugh Cattle Co., an Arizona Corporation.
- A339.022 (DLK) Project No.: TT233 - Camino Del Sol and Spanish Garden - Agreement for Right of Entry - Parcel No.: 232-12-030A - Edward F. Collins and Taffy Collins, as Trustees - for the sum of \$500.00.
- A343.002 (RES) Project No.: TT210 - MC85 at El Mirage Road - Warranty Deed - Parcel No.: 500-31-007D - Zuheir Properties Inc. / AR & AR, Inc. - for the sum of \$3,120.00.
- A343.002 (RES) Project No.: TT210 - MC85 at El Mirage Road - Purchase Agreement and Escrow Instructions - Parcel No.: 500-31-007D - Zuheir Properties Inc. / AR & AR, Inc.
- DD-9471 & DD-9472 Project No.: TL008 - Construction Period Land Use License - Parcel No.: 503-53-010, 503-53-008C, 503-53-002 - Central Arizona Water Conservation District, a multi-county water conservation district.
- DD-10548 (GL) Project No.: Z2006024 - Warner Road - Warranty Deed - Parcel No.: 304-30-029 - Utility Construction Company, Inc., an Arizona Corporation - for the sum of \$10.00.
- DD-10548 (GL) Project No.: Z2006024 - Warner Road - Purchase Agreement and Escrow Instructions - Parcel No.: 304-30-029 - Utility Construction Company, Inc., an Arizona Corporation.
- DD-10654 (PM) Project No.: 69010 - Dedication (339th Avenue to Indian School Road North to Camelback Road) - Easement and Agreement for Highway Purposes - Parcel No.: 504-09-030 - Joseph James Cook and Kathi Lee Cook - for the sum of \$10.00.

COTTON LANE FROM MC 85 TO ESTRELLA PARKWAY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the intergovernmental agreement between Maricopa County and the City of Goodyear for improvements to Cotton Lane from MC 85 to Estrella Parkway. The county proposes to construct a 3.25 mile section of Cotton Lane and a bridge over the Gila River Channel in compliance with county and city standards. The county will act as the lead agency for this project, with the costs being shared among four parties; the county, the city, and two private developers. The city acknowledges that without secured private developer funding, this project will not proceed. The county's financial commitment to this project is \$17,284,911. The project budget for FY 2006-07 may be adjusted to meet the actual construction expenditures. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2007-08 budget. This item is continued from the July 12, 2006 and July 26, 2006 meetings. (C6406284200)

Supervisor Wilcox expressed gratitude to fellow members for approval of this item and thanked those who worked to put this agreement together. She said it would greatly improve transportation issues in the West Valley.

FORMAL SESSION
September 6, 2006

ADDITION TO FLEET

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the addition of two aerial lift trucks to the county fleet for the Transportation Department. These vehicles will be used by the department's traffic signal technicians to inspect, maintain and repair traffic signals essential to the safety of the traveling public. (C6407023000) (ADM3104)

TRAFFIC CONTROL CHANGES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following traffic controls changes:

- a. **Camelback Road & Citrus Road** – A Four-Way Stop (from a two-way east/west stop). This partially rescinds the Through Street Resolution on Citrus Road dated January 5, 1987. (C6407024000) (F23193)
- b. **Citrus Road from McDowell Road to .25 miles north of Bethany Home Road** – A 45 MPH Speed Limit Zone (from a 50 MPH Speed Limit Zone). This partially rescinds the 50 MPH speed limit zone dated February 10, 1975, and rescinds the 50 MPH speed limit zone dated March 20, 1989. (C6407024000) (F23193).
- c. **Citrus Road from Northern Avenue to Butler Avenue** – A 35 MPH Speed Limit Zone. (C6407024000) (F23193)
- d. **Camelback Road from Cotton Lane to Perryville Road** – A 45 MPH Speed Limit Zone (from a 50 MPH Speed Limit Zone). This partially rescinds the 50 MPH speed limit zone dated July 26, 2000. (C6407025000) (F23193)
- e. **Camelback Road from Perryville Road to .50 miles west of Perryville Road (Beardsley Canal)** – A 35 MPH Speed Limit Zone. This partially rescinds the 50 MPH speed limit zone dated July 26, 2000. (C6407025000) (F23193)
- f. **Perryville Road from .50 mile north of McDowell Road to Osborn Road** – A 40 MPH Speed Limit Zone (from a 50 MPH Speed Limit Zone). This partially rescinds the 50 MPH speed limit zone dated October 22, 1997. (C6407026000) (F23193)
- g. **Perryville Road from Osborn Road to Camelback Road** – A 45 MPH Speed Limit Zone (from a 50 MPH Speed Limit Zone). This partially rescinds the 50 MPH speed limit zone dated October 22, 1997. (C6407026000) (F23193)
- h. **Van Buren Street & Perryville Road** – A Four-Way Stop (from a two-way east/west stop). (C6407027000) (F23193)
- i. **Van Buren Street & Citrus Road** – A Four-Way Stop (from a two-way east/west stop). (C6407027000) (F23193)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

- j. **McDowell Road and Citrus Road** – A Four-Way Stop (from a two-way north/south stop). This partially rescinds the Through Street Resolution on McDowell Road dated February 11, 1974. (C6407028000) (F23193)
- k. **McDowell Road and 195th Avenue** – A Four-Way Stop (from a two-way east/west stop). This partially rescinds the Through Street Resolution on 195th Avenue dated July 16, 1963. (C6407028000) (F23193)
- l. **Gavilan Peak Parkway & Shadow Glen Way** – A Four-Way Stop (from a two-way east/west stop). (C6407029000) (F23193)
- m. **Gavilan Peak Parkway & Whitman Drive** – A Four-Way Stop (from a two-way east/west stop). (C6407029000) (F23193)

CONSTRUCTION MANAGEMENT SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to award four on-call contracts for pending and new projects requiring construction management services. Each contract is for a period of two years with an option to renew for three additional one-year periods following Board of Supervisors' approval or until the expenditure of \$500,000 per contract, whichever occurs first. (C64070355ZZ)

Contractor	Contract Number	Agenda Number
Structural Grace, Inc.	2006-040	C6407036500
Oridian Construction Services, LLC	2006-041	C6407037500
Stantec Consulting, Inc.	2006-042	C6407038500
URS Corporation	2006-043	C6407039500

TOLLESON STREET IMPROVEMENT PROJECT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) between Maricopa County and the City of Tolleson for the Tolleson Street Improvement Project (Small Cities Transportation Assistance Program - SCTAP). The county has adopted the Small Cities Transportation Assistance Program to fund selected transportation projects submitted to the Maricopa County Community Development Department and approved by the Community Development Advisory Committee (CDAC) for Community Development Block Grants (CDBG). The county will fund the selected projects using Arizona Highway User Revenue Funds. The City of Tolleson has been selected to receive \$140,437 for their Street Improvement Project from 85th Avenue west to 96th Avenue with Jackson Street as the southern boundary with Christa Way on the north. The county and the Transportation Advisory Board (TAB) have reviewed the transportation projects recommended by CDAC using the policies and procedures adopted by the SCTAP program. The TAB recommends that the Board of Supervisors select the City of Tolleson Street Improvement Project. The City is proposing to install speed humps at various residential locations. Upon execution and award of the construction contract and written request from the city, the county will advance the city \$140,437. The city must request the funds no later than June 30, 2007, or this agreement is null and void. The city will provide a final accounting with supporting documentation of all funds at the completion of the project. The city will refund any unexpended monies at the end of the project. The city will notify the county if this construction project is cancelled and acknowledges that the monies can not be used for any other city project. (C6407040200)

**FORMAL SESSION
September 6, 2006**

MILLING AND PAVING SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the award of Job Order Contract (JOC) No. 2006-019 with J. Banicki Construction, Inc. for a not-to-exceed amount of \$15,000,000, for milling and paving services performed when requested by the Maricopa County Department of Transportation through a specific Work Assignment. This JOC shall be effective for a period of one year from the Board of Supervisors' award date and may be renewed, if mutually agreed to by both the contractor and the county, for an additional four one-year periods. The contractor shall be paid a fee not-to-exceed \$15,000,000, not-to-exceed \$3,000,000 per year, up to five years. Expenditures for FY 2007-08 are contingent upon the Board of Supervisors adopting the FY 2007-08 budget. (C6407044500)

CONCRETE PLACEMENT SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the award of Job Order Contract (JOC) No. 2006-020 with Klondyke, Inc. for a not-to-exceed amount of \$15,000,000, for concrete placement services performed when requested by the Maricopa County Department of Transportation through a specific work assignment. This JOC shall be effective for a period of one year from the Board of Supervisors' award date and may be renewed, if mutually agreed to by both the contractor and the county, for an additional four one-year periods. The contractor shall be paid a fee not-to-exceed \$15,000,000, not-to-exceed \$3,000,000 per year, up to five years. Expenditures for FY 2007-08 are contingent upon the Board of Supervisors adopting the FY 2007-08 budget. (C6407045500)

CHANDLER HEIGHTS CROSSING AT SONOQUI WASH

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the intergovernmental agreement between Maricopa County and the Town of Queen Creek for improvements to Chandler Heights Crossing at Sonoqui Wash. The county will act as the lead agency for this project with the town:

- o Contributing \$124,093 from their SRP Aesthetic Funds,
- o Responsible for the additional overhead-to-overhead utility relocation costs not covered by the county's \$58,107 contribution,
- o Aesthetic treatment of the pedestrian railing for an additional \$20,000, and
- o Assumption of ownership and maintenance responsibilities for the bridge upon completion and annexation of the roadway.

The project will be completed in FY 2007-08. (Supervisory District 1) (C6407046200)

APPOINTMENT

Pursuant to A.R.S., Title 11, Chapter 3, Section 9, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to designate and appoint Richard A. Wallace, P.E. as the Acting Maricopa County Engineer. This appointment is required to fulfill statutory requirements and due to the retirement of Michael S. Ellegood, P.E. effective September 10, 2006. (C6407050000) (ADM2000)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
September 6, 2006

ADDITION OF PROJECTS AND CORRESPONDING EXPENDITURE BUDGET

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the addition of the following projects and corresponding expenditure budget to the Department of Transportation's FY 2006-07 TIP (CIP) budget (Year 1), Department (640), Fund (234):

Project Number	Name	Budget
T058	Estrella Interim Loop 303 (II)	\$18,000
T094	Chandler Heights Road Culvert at Eastern Canal	\$9,000
T161	Bethany Home Road at Dysart Road	\$9,000
T166	MC 85: SR 85 to 75th Ave Corridor Study	\$46,000
T172	Sun City Mill and Overlay Phase 1	\$941,000
T179	Sun Valley Parkway Corridor Study	\$35,500
T208	MC 85 at 83/91/99/107 and 115th Avenues	\$182,500

Also, approves an amendment to the current FY 2007-11 five-year CIP for Fund (231) Transportation Capital Projects Fund adopted by the Board of Supervisors on June 19, 2006, by decreasing the FY 2006-07 (Year 1) capital budget for the following projects:

Project Number	Name	Budget
T006	Unallocated Force Account	\$6,500
T136	MC 85: Perryville Road to Cotton Lane	\$364,500
T195	Northern Avenue: SR 303 to Grand Avenue	\$620,000
T253	Rainbow Rd Bridge at Buckeye Canal	\$250,000

The requested adjustment is necessary to realign project budgets to more closely match the year-end projected expenditure amount, and results in a net impact of zero. (C6407051800) (ADM2000-003)

BUCKEYE WATER CONSERVATION & DRAINAGE DISTRICT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve reimbursement to Buckeye Water Conservation & Drainage District (BWCDD) in the amount of \$37,180, for engineering design services and post design services for the relocation and modification of BWCDD irrigation facilities and Roosevelt Irrigation District facilities in conflict with the Maricopa County Department of Transportation, (MCDOT) Project T171, MC 85 Extension (SR 85 to Turner Road). The cost may not exceed the estimated amount of \$37,180 by more than 10%. MCDOT acknowledges that the irrigation facility has prior rights. (C6407052100) (ADM4392)

PUBLIC RIGHT-OF-WAY FOR COLDWATER RANCH

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and accept public right-of-way as conveyed in the Map of Dedication for Coldwater Ranch. El Mirage Road and West Coldwater Ranch Drive will be improved to county standards, at no expense to Maricopa County, as part of the roadway system for Coldwater Ranch Development. The alignments are consistent with development as proposed in zoning case Z2003-075 and approved by Board of Supervisors. (C6407053000) (ADM2007-001)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
September 6, 2006

TRANSPORTATION ADVISORY BOARD RESIGNATION AND APPOINTMENT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the resignation of Alan Turley and appoint Susan A. Lewin representing Supervisorial District 2, whose term is effective from Board of Supervisors' approval through August 31, 2009. (C0607016900) (ADM2038)

MARICOPA WORKFORCE CONNECTIONS BOARD

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the appointment of the following individuals, whose term is effective upon Board of Supervisors' approval through June 30, 2008. (C2207096M00) (ADM2512)

Name	Representation	Replacing
Don Smith	Community-based organizations	
Greta Suda	Private sector	Brian Mohr
Katharine Levandowsky	One-stop partners	Craig Warren

PUBLIC HEARING SET - FRANCHISE FOR BEARDSLEY WATER COMPANY, INC.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to set a public hearing for 9:00 a.m. on Wednesday, October 4, 2006, at 205 W. Jefferson, to solicit comments and consider the application filed by Beardsley Water Company, Inc. for a renewal to an existing public service franchise for a domestic water distribution system. The original franchise was granted on September 8, 1981. (F18706)

PUBLIC HEARING SET - PLANNING AND ZONING CASES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for October 4, 2006, at 9:00 a.m. in the Board of Supervisors Auditorium, 205 West Jefferson, as follows:

Z2005-115; Z2005-124; Z2006-040; Z2006-071; Z2006-072; Z2006-073; Z2005-137; TA2005-007

ASRS CLAIMS

No request to authorize payment of claims submitted by the Arizona State Retirement System was received for this meeting. (ADM3309-001)

ANNUAL COLLECTIONS & DELINQUENCY REPORT

Pursuant to A.R.S. §42-18002, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the Annual Collections and Delinquency Report submitted by the County Treasurer for FY 2005-06. Report is on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule. (ADM4007)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

CANVASS OF ELECTIONS

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.

Salt River Project Agricultural Improvement and Power District

ADM4306

CLASSIFICATION CHANGES

No recommendations for changes were received from the Assessor's Office for this meeting. (ADM723)

CHECK ENFORCEMENT FUND QUARTERLY REPORT

In accordance with A.R.S. §13-1811(F) County Bad Check Trust Fund, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the quarterly financial reports of all revenues and expenditures from the Check Enforcement Fund for the periods of July 2005 through June 2006. Report is on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule. (ADM404-001)

COMPROMISES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the requested compromises as payment in full. This item was discussed in Executive Session on August 14, 2006. (ADM407)

Arizandy Carreno	\$1,000.00
Adan Castro-Castaneda	\$10,000.00
Diana Kandinova	\$950.00
Doris Merritt	\$750.00

DONATIONS

No donations were reported by County departments and districts for August 2006. (ADM1810)

DUPLICATE WARRANTS

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approval and ratification is requested for duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Michael Young	370004889	Expense	\$95,697.94
Jennifer Ellsworth	270004896	Payroll	\$1,215.30

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

David Moya	270007286	Payroll	\$1,114.01
Nextel Communications	360552323	Expense	\$10,097.78
General Dynamics	360548878	Expense	\$44,233.90
Becky Poore	370003265	Expense	\$2,463.23
Asap Software	370004015	Expense	\$2,027.11

SCHOOLS

NAME	SCHOOL	WARRANT	AMOUNT
Edgardo Garcia	Saddle Mountain #90	160123699	\$1,064.30
Rosemary Carlson	Balsz SD #31	170001500	\$1,470.60
National Fire Control	Laveen SD #59	460100530	\$51.06
Teachers on Call	Laveen SD #59	460132951	\$1,360.00
Maryh McFarland-Kolling	Wilson Elementary SD #7	460125215	\$414.12
R.S.D.	Fountain Hills Unified SD #98	470001800	\$137.72
Mohave Educational Services	Fountain Hills Unified SD #98	470001798	\$784.08
Purcell's Western States Tire	Fountain Hills Unified SD #98	470001799	\$1,289.94
Aspin/Mohave	Buckeye Elem SD #33	460105766	\$5,779.23
Dionne Swan	Fountain Hills Unified SD #98	460130523	\$310.00
Maria Hargrove	Osborn SD #8	170008282	\$469.98
Carquest	Roosevelt SD #66	470001192	\$577.75
Kristen Rayburn	Higley USD #60	160118492	\$955.04
Gareth Williams	Aguila SD #63	63029261	\$107.11
Maria Rivera	Alhambra SD #68	170011595	\$415.23
K.I.I.D.S. Inc	Littleton SD	470011107	\$745.00
K.I.I.D.S. Inc	Littleton SD	470001125	\$2,287.50

MINUTES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held May 17, 2006, June 22, 2006, July 24, 2006 and July 27, 2006.

PRECINCT COMMITTEEMEN

There were no appointments or cancellations of appointment of Precinct Committeemen reported for this meeting.. (ADM1701)

SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

YEAR	FROM NO.	TO NO.	AMOUNT
2005	12572	13877	-\$3,113,376.06
2004	12415	12975	-\$454,138.70

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

2003	26140	26414	-\$356,228.46
2002	19840	19845	-\$353,077.40
2005	12478	12539	-\$815,033.68
2004	12976	13016	-\$31,096.62
2003	26690	26712	-\$11,553.08
2002	20099	20099	-\$385.18
2005	14133	14617	-\$172,990.98

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the settlement of tax cases dated September 6, 2006. (ADM704)

2005

ST2005-000124

TX2004-000630

2005/2006

ST2005-000090

2006

ST2005-000154

2006

TX2005-050262

TX2005-050306

TX2005-050346

2007

ST2006-000009

ST2006-000010

STALE DATED WARRANTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Peter Moon

\$563.49

TAX ABATEMENTS

No requests for tax abatements were received from the Treasurer's Office for this meeting. (ADM708)

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

Blue Crowley commented on perceived inappropriate interpretation of the super-grid map by the Regional Transportation Authority, saying changes are being made that are not in compliance with the statute. He did not believe the construction should be called a grid because it is not county-wide and cited other perceived inconsistencies from the original intent. (ADM605)

SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Brock attended the most recent graduation of 68 prisoners participating in the Alpha Drug Rehabilitation Program that was established by Sheriff Joe Arpaio more than ten years ago. He said 85% of those arrested are under the influence of drugs and statistics have shown that participating in this program consistently produces dramatic reductions in recidivism.

**FORMAL SESSION
September 6, 2006**

He reported that seven legislators and several judges also attended the graduation ceremony and more legislators need to become aware of the dramatic changes these classes have produced in prisoner's lives after they are released from jail. He added that many former prisoners have gone on to get their GED certificate, and several have started attending college classes. (ADM606)

Supervisor Wilcox agreed that the Alpha Drug Program achieves great results and said both the legislature and the public should become more aware of it. She also noted a recent article in the Arizona Republic that highlighted Maricopa County's efforts with the homeless as helping to reduce the usual number of heat-related deaths and trauma during this past summer.

Chairman Stapley commented on President Bush's recent nomination of Mary Peters as Secretary of Transportation. Mr. Stapley said that Ms. Peters lived in the Valley for many years and is a friend of the County. "She knows us and our problems and I hope will bring progress in solving our transportation problems, if Congress confirms her nomination."

PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA

1. **Z2006-002 District 1**
 Applicant: Michael Young
 Location: North of Riggs Road and east of 124th Street (in the Chandler area)
 Request: Major Amendment to a Precise Plan of Development in the IND-2 zoning district (approximately 7.32 acres) – Young's Storage Yard

COMMISSION ACTION: Commissioner Aster moved to recommend approval of Z2006-002, subject to the following stipulations "a" through "j". Commissioner Smith seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the Site Plan entitled "Administrative Amendment to Z97-93", consisting of four (4) full-size sheets, stamped received July 24, 2006, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisor's approval, the site plan shall be revised to accurately indicate the sight visibility triangles (SVT) and signage.
- b. Development of the site shall be in conformance with the narrative report entitled "Young's Storage Yard", consisting of two (2) pages, revised June 9, 2006, and stamped received June 9, 2006 , except as modified by the following stipulations.
- c. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
September 6, 2006

- d. The applicant shall provide landscaping (including 24" box drought tolerant trees at 20' intervals) along the front of the western parcel. All trees shall be double-staked when installed.
- e. All signage shall conform to Maricopa County Zoning Ordinance (MCZO).
- f. Per the Maricopa County Drainage Review division, finished floor elevation statement shall be updated to "will not be inundation by the 100 year peak runoff event" on the Grading and Drainage plan.
- g. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- h. The applicant/property owner shall work with the adjacent property owner just west to obtain an easement from for the required Sight Visibility Triangle (SVT).
- i. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- j. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval with stipulations "a" through "j."

- 2. S2006-037 District 4**
Applicant: Eli Gilman of G&M Custom Homes, LLC
Location: Camelback Garden Farms Subdivision (in the Goodyear area)
Request: Replat is to convert Tract 'A', a drainage tract, into residential Lot 1A. (approximately 1.14 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this replat.

REGULAR AGENDA

- 3. DMP2004-004 District 4**
Applicant: LVA Urban Design Studio, LLC for Ginn, LLC, et al
Location: Generally bordered by Black Mountain Road on the north, Grand Avenue on the east, Birdsong Avenue (Dove Valley Road) on the south and 251st Avenue on the west (in the Surprise area)
Request: Development Master Plan (DMP) approval with protected development rights (approximately 2,819 acres) – Broadstone Ranch

COMMISSION ACTION: Commissioner Jones moved to recommend approval of DMP2004-004, subject to the following stipulations "a" through "mm". Commissioner Harris seconded the motion, which passed with a unanimous vote of 7-0.

**FORMAL SESSION
September 6, 2006**

Darren Gerard said that he would give background for both this item #3 (DMP2004-004), the Development Master Plan for Broadstone Ranch, and the next item, #4 (Z2004-046), that provides for the necessary zoning changes for the Master Plan, as a related pair. Four letters of opposition were received protesting the loss of desert habitat. The City of Surprise is supportive of this project and the recommendation is for approval with the stipulations as amended in discussions with the applicant and planning staff, as given below. He mentioned that stipulation mm.4.d was changed because the parkway alignment may shift with development and MCDOT and the applicant concur with this revised language.

Supervisor Wilson said this case has been ongoing for many months and he believed that the developer had made a serious attempt to accommodate the dissidents. He voiced concern that Board approval of developments such as this, regardless of their size, "begins to bottleneck our own transportation system." He referenced dramatic increases in the cost to acquire land for use in building and improving highways, streets and safety concerns in the surrounding areas that will be impacted by the increased traffic volume that is produced with any master community. He said that Broadstone Ranch would result in a significant number of people moving into the area. He advised that the problem needs to be studied and re-evaluated to find a viable solution for more adequately determining the true costs of these developments before population in the Valley increases.

Stephen Earl, Elliott Homes, responded by saying that his company, as well as the Town of Surprise, understands the transportation issues and agrees with Supervisor Wilson. He said that Surprise is now developing a "regional impact fee that will be substantial" and the fee will attach to the project regardless of whether it is developed in the County or in the city. He added that this fee is included in the County's stipulations. This fee is collected by the County across the board and he felt this addressed the concern Supervisor Wilson voiced. He also advised that IGA's should be developed between the County and towns and cities because others will, as this project illustrates, begin in the County and later be annexed into a city. This creates a double-payment by developers in certain areas, such as transportation, and an IGA could eliminate this problem. He said that all stipulations are agreeable to his company as they have been mutually revised.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with modified stipulations "a" through "mm" and new stipulation "nn" as given below and as discussed prior to the vote, and not with the stipulations as they appeared in this meeting's agenda.

- a. Development shall comply with the Development Master Plan document entitled "Broadstone Ranch (AKA Copper Mountain Ranch) A Master Planned Community Development Master Plan", a bound document, dated revised May 2006 and stamped received May 31, 2006, including all exhibits, maps, and appendices, except as modified by the following stipulations.
- b. Within 30 days of approval by the Board of Supervisors, a revised DMP narrative report document shall be submitted for review and approval by the Planning and Development Dept. showing the exception of parcels D3 and D4 as identified on the land use master plan (Narrative Report Figure 11), as well as other minor corrections as noted.
- c. Changes to the Broadstone Ranch Development Master Plan with regard to use, or changes to any of the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of

**FORMAL SESSION
September 6, 2006**

Supervisors upon recommendation by the Maricopa County Planning and Zoning Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, subdivision regulations, and zoning ordinance in effect at the time of application(s) submission. The Maricopa County Planning and Development Department may approve minor changes administratively as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Up to a 5% variation to the proposed number of dwelling units within any development parcel will be allowed without an amendment to the DMP being required, as long as the subtotal within the applicable Area (A, B, C, or D) in which it is located is not exceeded, and the change does not result in a change of land use category. In addition, a 5-10% variation in the number of dwelling units may be allowed at the discretion of the Planning and Development Dept. without an amendment to the DMP being required subject to the same conditions (must be within the same area, and not change the land use category). However, Maricopa County may still require an amendment for a 5-10% variation depending on the particular circumstances of the proposed change. Any change greater than 10% in the number of proposed units for a parcel will require a major amendment subject to approval by the Board of Supervisors upon recommendation by the Planning and Zoning Commission. Otherwise, non-compliance with the approved Broadstone Ranch Development Master Plan narrative report, maps, and exhibits, or the stipulations of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.

- d. All stipulations of approval shall remain in effect in the event of a change in name of the Broadstone Ranch Development Master Plan.
- e. If the initial final plat has not been approved within three (3) years from the date of Board of Supervisors approval of this development master plan, the development master plan will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider revocation of the adopted development master plan. Further, should this development master plan be rescinded, all zoning and other entitlement changes approved as part of the Broadstone Ranch Development Master Plan shall also be considered for reversion by the Board of Supervisors and upon recommendation of the Commission, to the previous entitlements.
- f. Prior to approval of the first final plat, the master developer shall enter into a development agreement with Maricopa County that addresses short- and long-term service, infrastructure, operation, maintenance, and financial assurance needs of Maricopa County agencies necessary to provide adequate services and infrastructure to future residents of the Broadstone Ranch Development Master Plan. Further, prior to approval of any final plat, said development agreement shall be signed by both the master developer and the designated Maricopa County representative(s), recorded with the Maricopa County Recorder's Office, and a copy provided to the Maricopa County Planning and Development Department for public record. Maricopa County reserves the right to modify the development agreement if it is determined that such changes are necessary due to changing circumstances or conditions, although such modifications are subject to approval by the Board of Supervisors. The master developer may also petition for modifications, which are also subject to Maricopa County Board of Supervisors approval.

**FORMAL SESSION
September 6, 2006**

- g. Prior to approval of the first final plat for the Broadstone Ranch Development Master Plan, the master developer shall provide the Maricopa County Planning and Development Department with a pre-annexation services agreement with the City of Surprise, which identifies their intention to provide water, wastewater and fire protection services to the property. This pre-annexation agreement shall be signed by both the Broadstone Ranch master developer and the City of Surprise.
- h. Prior to approval of the first final plat for the Broadstone Ranch Development Master Plan, the applicant shall provide a signed and recorded pre-annexation agreement with the City of Surprise that identifies a schedule for project annexation. No platting or development subsequent to Phase 1 (Area A) as identified in the approved narrative report shall occur in unincorporated Maricopa County unless written authorization is provided by the City of Surprise that allows platting and building permits in unincorporated Maricopa County subsequent to phase one. This pre-annexation agreement shall be signed by the applicant and the City of Surprise.
- i. Maricopa County reserves the right not to process any development applications subsequent to phase one (initial phase of development) of the Broadstone Ranch Development Master Plan without first amending either the Development Master Plan referenced in stipulation 'a' and/or the development agreement referenced in stipulation 'f' above.
- j. Until such time that high school district organization takes place, notification shall be provided to future residents that they are not located within an organized high school district, and that high school students will have to attend a high school either in the Town of Wickenburg, the City of Surprise, or the City of Peoria, and include identification of which high schools have capacity and have agreed to accept students from outside their district, along with their approximate distance. Such notification shall be placed on all final plats, be permanently placed on the front door of all home sales offices on not less than an 8½ x 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs).
- k. Development shall comply with all applicable standards as identified in the Wickenburg Highway Scenic Corridor Overlay Zone, except as modified by any approved Unit Plan of Development (UPD) overlay for the site.
- l. Master developer shall provide notification to future homeowners that they are located in close proximity to the Luke Air Force Base Auxiliary Airfield #1 facility, and thus will be subject to loud noise from military aircraft overflights, with the following language:

"You are buying a home or property in the "vicinity of a military airport" as described by State of Arizona statute A.R.S. §28-8481. Your house should include "sound attenuation" measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 over flights a day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft

**FORMAL SESSION
September 6, 2006**

transient to and from the Barry M. Goldwater Gunnery Range, and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

Luke Air Force Base Auxiliary Field 1, located approximately 15 miles to the northwest of Luke Air Force Base is a site of intense instrument procedure landing approaches, with approximately 12,000 flight operations per year. Aircraft will descend down to 200 feet above the ground over the Auxiliary Airfield and will create severe noise in that area.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- m. Future homebuilders shall noise attenuate all structures as required under Arizona Revised Statutes.
- n. The master developer shall be responsible for the construction of all public and private on-site roads within the Broadstone Ranch Development Master Plan. Further, the Broadstone Ranch homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and facilities, washes, parks, roadway median landscaping, landscaping with public rights-of-way, and all pedestrian, bicycle, and multi-use paths.
- o. Prior to approval of each final plat, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels. Preservation and disposition of all native vegetation with protected status shall be in compliance with all applicable federal and state regulations.
- p. Landscaping of all common areas and open spaces, except for identified active recreational areas, within Broadstone Ranch shall consist of indigenous plant species, and select near-native plant species of a xeriphytic nature if acceptable to the Maricopa County Planning and Development Department.
- q. All irrigation water supplied for common/open space areas and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or

**FORMAL SESSION
September 6, 2006**

Central Arizona Project (CAP) water, within five (5) years after issuance of the first building permit. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of conversion from groundwater to a renewable water supply shall be provided to the Maricopa County Planning and Development Department within the five year requirement.

- r. The Broadstone Ranch Development Master Plan shall be developed sequentially as depicted on the phasing diagram contained in the Broadstone Ranch Development Master Plan narrative report.
- s. The total number of residential dwelling units for the Broadstone Ranch Development Master Plan shall not exceed 8,627. To help ensure compliance, the cumulative number of dwelling units, in relation to the identified limit, shall be identified on all plats.
- t. Residential development shall be prohibited on areas with a slope of 15% or greater.
- u. Unless the entire development master plan is annexed by the City of Surprise, the master developer shall submit a written report to the Maricopa County Planning and Zoning Commission outlining the status of the Broadstone Ranch Development Master Plan every three years following Board of Supervisors approval. The status report shall discuss development progress, including the total number of units built and platted, locations of areas/parcels under construction, status of infrastructure development, status of non-residential property, progress on how the stipulations of approval are being implemented, and any other information as requested by the Maricopa County Planning and Development Department.
- v. Until annexation of the entire development master plan takes place, the master developer shall notify all future Broadstone Ranch Development Master Plan residents that they are not located within an incorporated city or town, and therefore will not be represented by, or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to certain municipal services. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8-½ by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).
- w. All parks shall be completed concurrently with residential development of the respective plat on which the park is shown. Park facilities and amenities shall be identified on all applicable plats, and are subject to review by the Maricopa County Planning and Development Department.
- x. Not less than ~~137~~ **136** acres shall be reserved for Recreational Open Space (ROS) land use. The project shall have one (1) community park of not less than 91 acres and four (4) neighborhood park sites of various acreages in the general locations shown in the Open Space Master Plan (Narrative Report Figure 12) in the Broadstone Ranch Development Master Plan narrative report. Further, not less than ten (10) pocket parks totaling at least twenty (20) acres in size shall be provided in the general locations identified in the Open Space Master Plan (Narrative Report Figure 12) in the Broadstone Ranch Development Master Plan narrative report. An additional 80 acres of mini-parks

**FORMAL SESSION
September 6, 2006**

shall be provided in the general locations identified in the Open Space Master Plan (Figure 12) in the revised Broadstone Ranch narrative report required by stipulation b. All parks shall include recreational amenities. In addition, not less than 144 acres of dedicated, non-developable open space shall be provided in the general locations shown on the Open Space Master Plan (Narrative Report Figure 12) for preservation of wash corridors in their natural state, excluding the identified trail system. At the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative open space acreage and park numbers with respect to the requirements of this stipulation. A description of the types of recreational amenities that will be included in the Recreational Open Space and pocket park/mini-parks shall also be submitted with all preliminary plats to the Maricopa County Planning and Development Department.

- y. Not less than 278 acres shall be reserved for commercial land uses. In addition, all of parcel B19 (35 acres) and at least 50 ac. combined of parcels B11, B20 and B21 shall be rezoned to Commercial Office (C-O). To help ensure compliance, at the time of each preliminary plat submission the master developer shall include a description of the status of the cumulative C-O zoning achieved to date with respect to the requirements of this stipulation.
- z. Unless otherwise agreed to by the applicable school districts, not less than one (1) high school site at a minimum of 50 acres in size and not less than four (4) elementary school sites of the size and in the location identified on the land use master plan (Narrative Report Figure 11) shall be reserved.
- aa. The master developer shall provide non-vehicular multi-use trails as generally shown on the Open Space Master Plan (Figure 12). Such trails shall be identified on all plats and are subject to approval by Maricopa County.
- bb. Final Water and Sewer Master Plans must be submitted to MCESD, under application and fee, and approved prior to submittal of the first set of onsite infrastructure plans.
- cc. Prior to approval of the first preliminary plat in phase five as identified in the approved narrative report, the master developer shall provide a "will serve" letter from West End Water Company or another qualified public or private water provider demonstrating commitment to serve parcels C14 through C16 with water service.
- dd. Prior to approval of the first preliminary plat, the master developer shall provide a "will serve" letter for fire protection from the City of Surprise Fire Department or another qualified public or private fire service provider demonstrating commitment to serve the entire Broadstone Ranch Development Master Plan, which is subject to approval by the Maricopa County Planning and Development Department.
- ee. An archaeological survey of the subject property shall be conducted prior to approval of any preliminary plat to locate and evaluate any cultural resources on the site. Once complete, a report of the results shall be provided to the Arizona State Historic Preservation Office (SHPO) for review and comment before any ground disturbing activities related to development are initiated. The applicant shall perform an archaeological analysis to evaluate the eligibility of cultural resource sites for the National

FORMAL SESSION
September 6, 2006

or State Register of Historic Places. If Register eligible properties cannot be avoided by development activities, then the Arizona SHPO shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.

- ff. The developer shall comply with all applicable state and federal laws regarding animal species with special protected status.
- gg. A quality of life assessment of \$596.00 for each housing unit built is to be made available to the Maricopa County Library District for the purposes of future library service and infrastructure needs.
- hh. One hundred fifty dollars (\$150) per residential unit will be paid by the master developer as each residential building permit is issued, to a fund for the White Tank Regional Park for trails and facilities enhancement and maintenance. The County shall deposit and hold all receipts in the parks special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by Broadstone Ranch residents. Maricopa County Parks and Recreation Department will provide each residential unit in the Broadstone Ranch Development Master Plan with a one-year, seventy-five (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park.
- ii. One hundred fifty dollars (\$150) per residential unit shall be paid by the master developer as each residential building permit is issued, to a fund for the Maricopa Trail for design, construction, enhancement, operation and maintenance. The County shall deposit and hold all receipts in the trails special revenue fund for the specific purposes stated. All interest earned on this fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing County appropriations for similar purposes, but are intended as supplemental and enhancement resources needed as this community grows in its residents' use of the Maricopa Trail.
- ~~jj. Unless otherwise agreed to by the Maricopa County Sheriff's Office, the developer shall address the needs outlined in the memo from Ian Thompson to Loretta Barkell dated November 29, 2005. **THE DEVELOPER SHALL ENTER INTO AN AGREEMENT WITH THE MARICOPA COUNTY SHERIFF'S OFFICE TO PAY FOR START UP COSTS AND INTERIM FEES FOR LAW ENFORCEMENT SERVICES ASSOCIATED WITH THE PROPERTY UNTIL IT IS ANNEXED INTO AN INCORPORATED CITY OR UNTIL A FULL LAW ENFORCEMENT SERVICES CONTRACT IS OTHERWISE IMPLEMENTED.**~~
- kk. The following Maricopa County Drainage Review stipulations shall be met prior to approval of the first preliminary plat for the site. Comments are based on the Drainage Report dated revised April 2006:

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

1. Remove the words, "substantially," "generally," "similar to," and "generally acceptable" when the statement does not agree with the Drainage Regulations of Maricopa County.
 2. Section 3.5, first paragraph, last sentence – replace the phrase, "reduce the post-development peak flows such that they are equal to or less than the existing peak flows" with "retain the 100-year, 2 hour storm event or first flush if approved by the Board of Adjustment."
 3. Section 3.5, last paragraph – add the sentence, "Each unit's drainage infrastructure is self contained and functions independently from all other unit's infrastructure."
 4. Section 4.2, last paragraph – add the sentence, "Each parcel's drainage infrastructure is self contained and functions independently from all other parcel's infrastructure."
 5. Section 4.3, last paragraph, last sentence – it is acceptable to remove the phrase, "(first flush basins only) to either Iona or Trilby Wash."
 6. Section 5.3, fourth sentence – replace, "Uniform Drainage Policies and Standards" with "Drainage Regulations."
- II. The following Flood Control District of Maricopa County stipulation shall apply:
- When platting development parcels impacted by off-site washes, the developer shall provide open space corridors, drainage channels along roadway corridors, or drainage structures for the conveyance of off-site flows. Flows will exit each parcel at the original point of outfall, or will be coordinated with the adjacent property owner for a collaborative drainage solution.
- mm. The following Maricopa County Department of Transportation stipulations shall apply:
1. The Applicant shall provide a Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the development plan. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
 2. The Applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Applicant may choose to construct off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be "system roadways," must be all-weather facilities, must meet county standards in effect at the time they are

FORMAL SESSION
September 6, 2006

improved, and must be pre-approved by MCDOT. MCDOT may require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Applicant chooses not to construct off-site regional roadway improvements, the Applicant shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.

3. If required per item 2 above, a Development Agreement shall be executed prior to any preliminary plat approval. The Development Agreement shall be an enforceable contract; ~~regardless of annexation.~~ **UPON ANNEXATION, THE COUNTY WILL NOT CONTINUE TO COLLECT A CONTRIBUTION FEE FOR REGIONAL TRANSPORTATION FROM THE DEVELOPER. HOWEVER, IF THE DEVELOPER AGREES IN THESE STIPULATIONS TO CONSTRUCT OFFSITE-INFRASTRUCTURE IMPROVEMENTS, THE DEVELOPER AGREES TO CONSTRUCT THOSE IMPROVEMENTS TO THE SATISFACTION OF THE COUNTY DESPITE ANNEXATION. THIS PROVISION SURVIVES ANNEXATION AND IS ENFORCEABLE AS A SEPARATE CONTRACT PROVISION.**
4. The Applicant shall provide the ultimate full or half-width of right-of way for all public roadways as follows:
 - A.) Black Mountain Road: 65 Feet
 - B.) Broadstone Ranch Boulevard: 130 Feet
 - C.) Dove Valley Road: 100 Feet (Half Width)
 - D.) 251st Avenue: 100 Feet (Half Width) **OR AS APPROVED BY MCDOT**
 - E.) 243rd Avenue: 130 Feet
 - F.) 235th Avenue: 130 Feet
 - G.) Collector Roadways: 80 Feet

The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments.) Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways).

At intersections where future dual left turn lanes are possible, right-of-way shall be increased at the intersection to 150 feet for arterials and 220 feet for parkways. This widened right-of-way section shall accommodate dual left turn lengths (including reverse curves).

The Applicant shall reserve sufficient right-of-way for future traffic interchanges at both Black Mountain Road and Broadstone Ranch Boulevard (Carefree Highway alignment). Exact locations for these interchanges have not yet been determined or approved. It is possible that the Black Mountain Road interchange will not be located solely with the project boundaries. The Applicant shall be responsible for reserving right-of-way within the boundaries of their project.

**FORMAL SESSION
September 6, 2006**

The Applicant shall reserve sufficient right-of-way for a Grand Avenue frontage road, UNLESS released from this requirement by Maricopa County or the City of Surprise.

5. The Applicant shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways, unless approved otherwise by MCDOT. A portion of these improvements may be creditable to the Applicant's contribution referred to in item 2. All roadways must meet county standards in effect at the time they are improved. Half-width roadways must be designed so as to safely carry two-way traffic until the ultimate roadway is constructed.

ALL collector roadways on ½ mile alignments shall be constructed as continuous roadways. Figures 11 and 13 are not clear as to what happens to the roadways when they cross the open space. Whether bridges or low-flow crossings will be required will be determined at a later date, but these collector roadways shall be continuous, unless this requirement is waived by MCDOT.

6. The Applicant is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Applicant's contribution referred to in item 2.
7. The Applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways.
8. The Applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
9. The Applicant shall not locate elementary or middle schools on arterial roads. (The schools may NOT "back up" to arterials.) Pedestrian routes to school shall be planned so if necessary, they shall only cross arterials at signalized intersection.
10. The Applicant shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site (i.e., bus bays, electric vehicles, shared accommodations, internal trail systems, etc.). Crossings of arterials at other than signalized intersections shall be grade separated.
11. If streetlights are provided, installation shall be provided by the Applicant. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
12. The Applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The Applicant (or as assigned to the Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

13. The Applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
14. The Applicant shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
15. The Applicant shall provide the exception parcel (formerly Grand Oasis) with a minimum of two access points.
16. The Applicant shall provide written documentation of ADOT's requirements and approval. The Applicant shall provide written documentation of City of Surprise's approval. (MCDOT is satisfied that the City of Surprise and ADOT, Prescott District, are in support of these recommendations.)
17. The Applicant shall design and construct the pedestrian underpasses (2 locations) crossing "Broadstone Ranch Boulevard" in the open space areas as shown on Figure 11 (February 2006 submittal). Design and construction must be approved by MCDOT.
- ~~18. The Applicant shall redesign the "235th Avenue/Black Mountain Road" intersection with Grand Avenue. The current "Y" configuration is not acceptable. Black Mountain Road shall be a continuous thoroughfare.~~

NN. THE BROADSTONE RANCH LAND USES SHALL BE CONSISTENT WITH THE EXHIBIT ENTITLED "BROADSTONE RANCH, FIGURE 11, LAND USE MASTER PLAN" DATED REVISED AUGUST 28, 2006 AND STAMPED RECEIVED AUGUST 28, 2006. WITHIN 30 DAYS OF APPROVAL OF THIS REQUEST BY THE BOARD OF SUPERVISORS, THE APPLICANT SHALL SUBMIT A REVISED NARRATIVE REPORT INCLUDING SAID EXHIBIT, TOGETHER WITH REVISED "FIGURE 12 OPEN SPACE MASTER PLAN", REVISED "FIGURE 13 VEHICULAR AND BICYCLE CIRCULATION MASTER PLAN", AND REVISED "FIGURE 15 DEVELOPMENT PHASING PLAN", IN ADDITION TO A REVISED "TABLE 1 LAND USE DENSITY AND INTENSITY", REVISED "TABLE 2 LAND USE SUMMARY", AND REVISED "TABLE 3 OPEN SPACE SUMMARY", PLUS CHANGES TO THE TEXT OF THE NARRATIVE, CONSISTENT WITH SAID FIGURES AND TABLES.

4. **Z2004-046 District 4**
- Applicant:** LVA Urban Design Studio, LLC for Arizona State Land Department and Ginn, LLC, et al
- Location:** Generally bordered by Black Mountain Road on the north, Grand Avenue on the east, Birdsong Avenue (Dove Valley Road) on the south and 251st Avenue on the west (in the Surprise area)
- Request:** Rezone from Rural-43 & C-2 to Rural-43 RUPD, R1-18 RUPD, R1-10 RUPD, R1-8 RUPD, R1-7 RUPD, R1-6 RUPD, R-2 RUPD, R-3 RUPD, R-4 RUPD, C-O, C-S, & C-2 CUPD, all with PAD Overlay (approximately 2,819 acres) – Broadstone Ranch

**FORMAL SESSION
September 6, 2006**

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2004-046, subject to the following stipulations "a" through "v". Commissioner Aster seconded the motion, which passed with a unanimous vote of 7-0.

Darren Gerard affirmed this as the zoning approval necessary for the Broadstone Ranch project, as discussed in the previous case. He said that these stipulations had also been revised in discussions between the applicant and staff and the recommendation was for approval with these revisions.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with modified stipulations "a" through "v" as given below and as discussed prior to the vote, and not with the stipulations as they appeared in this meeting's agenda.

- a. Development of the site shall be in substantial conformance with the project narrative entitled, "Broadstone Ranch (AKA Copper Mountain Ranch), A Master Planned Community, Zone Change Application, Hearing Copy: May 2006", consisting of a 57 page bound document including all Figures, Tables, and Appendices, prepared by LVA Urban Design Studio LLC, dated May 2006 and stamped received May 31, 2006, except as modified by the following stipulations.
- b. Within thirty (30) days of approval of the Zone Change request by the Board of Supervisors (BOS), the applicant shall submit a revised zoning narrative that incorporates the following revised exhibits **IN A MANNER CONSISTENT WITH THE REVISED LAND USE EXHIBIT OUTLINED IN STIPULATION "NN" OF DMP2004004:**
 1. Figures **2**, 6, 8, 9, and 10 revised to resolve the "Y" configuration of Black Mountain Road and 235th Avenue connection, and to provide connectivity of the mid-section line alignments, to the satisfaction of the Maricopa County Department of Transportation (MCDOT).
 2. In a manner consistent with stipulation "y" of DMP2004004, Figures **2**, 6, 8, 9, and 10 of the Zoning Narrative shall be revised to reflect a total of 85 acres of C-O zoning with the commensurate decrease in one of the other commercial zoning districts.
 3. Figure 9 revised such to correctly indicate the OS land use category with light green and the ROS land use category with dark green **AND TO REFLECT THE LAND USES AS DEPICTED IN THE REVISED FIGURE 11 OF DMP2004004 DATED REVISED AUGUST 28, 2006 AND STAMPED RECEIVED AUGUST 28, 2006.**
 4. Table 3 revised as follows:

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

**Table 3
Residential Unit Plan of Development (RUPD) Development Standards**

Zoning District	Lot Size			Bldg. Height	Min. Dist. Bldgs. Same Lot	Minimum Yard Setback				Parking Spaces per Unit	Max. Lot Cov.	Wall Height Retaining / Privacy
	Average Lot Area per DU	Min. Lot Area	Min. Lot Width			Front	Side	Street Side	Rear			
	(sq. ft)	(sq. ft)	(ft)	(Stories / Feet)	(ft)	(ft)	(ft)	(ft)	(ft)			
Rural-43	(1)											
Proposed	43,560	43,560	145	2 / 30	15	40	30	20	40	2	15%	total)
Base	43,560	43,560	145	2 / 30	15	40	30	20	40	2	15%	6' total
R1-18	(1)											
Proposed	19,000	12,000	90	2 / 30	15	25	10	15	25	2	30%	total)
Base	18,000	18,000	120	2 / 30	15	30	10	15	30	2	25%	6' total
R1-10	(1)											
Proposed	11,000	10,000	80	2 / 30	15	20	7	10	25	2	35%	total)
Base	10,000	10,000	80	2 / 30	15	20	7	10	25	2	30%	6' total
R1-8 RUPD	(1)					(2, 7)						
Proposed	8,500	8,000	70	2 / 30	15	10	7	10	20	2	40%	total)
Base	8,000	8,000	80	2 / 30	15	20	7	10	25	2	35%	6' total
R1-7 RUPD	(1)					(2, 7)						
Proposed	7,500	7,000	60	2 / 30	15	10	5	10	15	2	45%	total)
Base	7,000	7,000	70	2 / 30	15	20	5	10	25	2	35%	6' total
R1-6 RUPD	(1)					(2, 7)						
Proposed	6,500	5,500	50	2 / 30	10	10	5	10	15	2	50%	total)
Base	6,000	6,000	60	2 / 30	10	20	5	10	25	2	40%	6' total
R-2 RUPD	(1)					(2,3,6,7)	(4)		(6)			
Proposed	4,500	3,000	40	2 / 30	10	10	0 / 6	10	10	2.5	55%	total)
Base	4,000	6,000	60	2 / 30	10	20	5	10	25	2	50%	6' total
R-3 RUPD	(1)					(2,3,6,7)	(4)		(6)	(5)		
Proposed	3,500	3,000	30	3 / 40	10	10	0 / 6	10	10	2.5	55%	total)
Base	3,000	6,000	60	3 / 40	10	20	5	10	25	2	50%	6' total
R-4 RUPD	(1)									(5)		
Proposed	2,500	6,000	60	3 / 40	10	20	5	10	25	2.5	50%	total)
Base	2,000	6,000	60	3 / 40	10	20	5	10	25	2	50%	6' total

(1) Average lot area per dwelling unit within the district is determined by dividing the gross parcel square footage, exclusive of streets, by the total number of proposed units.

(2) To allow for a diverse streetscape, the front yard for any living component of a home and for side-entry garages may be set at 10 feet from the property line for single family development. Front facing garages shall be a minimum of 18' from property line and 20' from back of sidewalk within required front yards.

(3) Within the R-2 and R-3 zoning districts, driveway depth (distance to face of garage) may be reduced to 3 feet as measured from the property line if a minimum two-car garage is provided for each unit and additional common visitor parking is provided as required in this table within 300 feet of the unit the visitor parking is intended to serve. Also, to prevent cars from attempting to park in a driveway that is too short, in no case shall a driveway be longer than 6' unless said driveway is at least 18' in depth as measured from the property line.

(4) Interior side yard requirements do not apply to attached dwelling units.

(5) 20% of multi-family parking spaces shall be reserved for guest parking and 5% of those shall be reserved for handicapped parking.

(6) A 3' front yard or rear yard setback can be applied to alley-loaded and auto-court product types for the garage off of the alley or auto court.

(7) Lot widths shall be measured at the front setback line as depicted in the Front Setback column of the RUPD Table.

- The entry monument **S AND SIGNAGE** located at the intersection of Grand Avenue and Broadstone Boulevard, **AND 243RD AVENUE AND BROADSTONE BOULEVARD** shall be consistent with the exhibit entitled "Broadstone Boulevard" dated September 30, 2005 **"BROADSTONE RANCH MONUMENT AND SIGN EXHIBIT", CONSISTING OF THREE (3) SHEETS DATED AUGUST**

FORMAL SESSION
September 6, 2006

25, 2006 AND STAMPED RECEIVED AUGUST 28, 2006, a copy of which shall be included in the revised zoning narrative.

6. In a manner consistent with stipulation "x" of DMP2004004, Figure 10 (open space master plan) of the zoning narrative shall be revised.
- c. The developer or home builder may vary the number of dwelling units from one development Unit to another development Unit within the same development Area in accordance with the approved Development Master Plan. Each and every Preliminary Plat and Final Plat shall include a table such to track the total number of dwelling units that have been platted and those proposed with that particular preliminary or final plat. Each preliminary or final plat shall also include a similar table such to track the number and size of all open space components that have been platted or are proposed with a particular Preliminary Plat or Final Plat.
- d. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:
 1. The Applicant shall provide a Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the development plan. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
 2. The Applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Applicant may choose to construct off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be "system roadways," must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT may require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Applicant chooses not to construct off-site regional roadway improvements, the Applicant shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.
 3. If required per item 2 above, a Development Agreement shall be executed prior to any preliminary plat approval. The Development Agreement shall be an enforceable contract, ~~regardless of annexation.~~ **UPON ANNEXATION, THE COUNTY WILL NOT CONTINUE TO COLLECT A CONTRIBUTION FEE FOR REGIONAL TRANSPORTATION FROM THE DEVELOPER. HOWEVER, IF THE DEVELOPER AGREES IN THESE STIPULATIONS TO CONSTRUCT OFFSITE-INFRASTRUCTURE IMPROVEMENTS, THE DEVELOPER AGREES TO CONSTRUCT THOSE IMPROVEMENTS TO THE SATISFACTION OF THE COUNTY DESPITE ANNEXATION. THIS**

FORMAL SESSION
September 6, 2006

PROVISION SURVIVES ANNEXATION AND IS ENFORCEABLE AS A SEPARATE CONTRACT PROVISION.

4. The Applicant shall provide the ultimate full or half-width of right-of way for all public roadways as follows:
- A. Black Mountain Road: 65 Feet
 - B. Broadstone Ranch Boulevard: 130 Feet
 - C. Dove Valley Road: 100 Feet (Half Width)
 - D. 251st Avenue: 100 Feet (Half Width) **OR AS APPROVED BY MCDOT**
 - E. 243rd Avenue: 130 Feet
 - F. 235th Avenue: 130 Feet
 - G. Collector Roadways: 80 Feet

The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments.) Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways).

At intersections where future dual left turn lanes are possible, right-of-way shall be increased at the intersection to 150 feet for arterials and 220 feet for parkways. This widened right-of-way section shall accommodate dual left turn lengths (including reverse curves).

The Applicant shall reserve sufficient right-of-way for future traffic interchanges at both Black Mountain Road and Broadstone Ranch Boulevard (Carefree Highway alignment). Exact locations for these interchanges have not yet been determined or approved. It is possible that the Black Mountain Road interchange will not be located solely within the project boundaries. The Applicant shall be responsible for reserving right-of-way within the boundaries of their project.

The Applicant shall reserve sufficient right-of-way for a Grand Avenue frontage road, UNLESS released from this requirement by Maricopa County or the City of Surprise.

5. The Applicant shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways, unless approved otherwise by MCDOT. A portion of these improvements may be creditable to the Applicant's contribution referred to in item 2. All roadways must meet county standards in effect at the time they are improved. Half-width roadways must be designed so as to safely carry two-way traffic until the ultimate roadway is constructed.

ALL collector roadways on ½ mile alignments shall be constructed as continuous roadways. Figures 9 and 6 are not clear as to what happens to the roadways when they cross the open space. Whether bridges or low-flow crossings will be required will be determined at a later date, but these collector roadways shall be continuous.

6. The Applicant is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Applicant's contribution referred to in item 2.
7. The Applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways.
8. The Applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
9. The Applicant shall not locate elementary or middle schools on arterial roads. (The schools may NOT "back up" to arterials.) Pedestrian routes to school shall be planned so if necessary, they shall only cross arterials at signalized intersection.
10. The Applicant shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site (i.e., bus bays, electric vehicles, shared accommodations, internal trail systems, etc.). Crossings of arterials at other than signalized intersections shall be grade separated.
11. If streetlights are provided, installation shall be provided by the Applicant. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
12. The Applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The Applicant (or as assigned to the Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
13. The Applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
14. The Applicant shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
15. The Applicant shall provide the exception parcel (formerly Grand Oasis) with a minimum of two access points.
16. The Applicant shall provide written documentation of ADOT's requirements and approval. The Applicant shall provide written documentation of City of Surprise's approval. (MCDOT is satisfied that the City of Surprise and ADOT, Prescott District, are in support of these recommendations.)
17. The Applicant shall design and construct the pedestrian underpasses (2 locations) crossing "Broadstone Ranch Boulevard" in the open space areas as

**FORMAL SESSION
September 6, 2006**

shown on Figure 11 (February 2006 submittal). Design and construction must be approved by MCDOT.

18. ~~The Applicant shall redesign the "235th Avenue/Black Mountain Road intersection with Grand Avenue. The current "Y" configuration is not acceptable. Black Mountain Road shall be a continuous thoroughfare.~~
- e. Final Water and Sewer Master Plans must be submitted to Maricopa County Environmental Services (MCESD), under application and fee, and approved prior to submittal of the first set of onsite infrastructure plans.
- f. Within thirty (30) days of approval of this request by the Board of Supervisors, the applicant shall provide the Drainage Review Division with a revised Conceptual Master Drainage study that incorporates the following changes:
1. Remove the words, "substantially," "generally," "similar to," and "generally acceptable" when the statement does not agree with the Drainage Regulations of Maricopa County.
 2. Section 3.5, first paragraph, last sentence – replace the phrase, "reduce the post-development peak flows such that they are equal to or less than the existing peak flows" with "retain the 100-year, 2 hour storm event or first flush if approved by the Board of Adjustment."
 3. Section 3.5, last paragraph, - Add the sentence, "Each unit's drainage infrastructure is self contained and functions independently from all other unit's infrastructure."
 4. Section 4.2, last paragraph, - Add the sentence, "Each parcel's drainage infrastructure is self contained and functions independently from all other parcel's infrastructure."
 5. Section 4.3, last paragraph, last sentence – It is acceptable to remove the phrase, "(first flush basins only) to either Iona or Trilby Wash"
 6. Section 5.3, fourth sentence – Replace, "Uniform Drainage Policies and Standards" with "Drainage Regulations."
- g. Per the Maricopa County Flood Control District, when the developments of parcels are platted that are impacted by off-site washes, open space corridors or drainage channels along roadway corridors, or drainage structure will be provided for the conveyance of off-site flows. Flows will exit each parcel at the original point of outfall, or will be coordinated with the adjacent property owner for a collaborative drainage solution.
- h. Only Phase 1 shall develop through the County. Prior to Preliminary Plat approval for Phase 1, the developer shall provide written evidence that the developer and the City of Surprise have executed a pre-annexation service agreement. Phase 1 development may include the extension of infrastructure through other phases of development through Maps of Dedication or Master Final Plats.

**FORMAL SESSION
September 6, 2006**

- i. Prior to the approval of any Preliminary Plat or Plan of Development, the developer shall provide written evidence that the Arizona Department of Transportation (ADOT) has reviewed the plans and that the proposed development meets ADOT's standards.
- j. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit or approval of a Final Plat. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- k. The applicant shall notify all future home buyers and home owners that they are located within the state-defined "Territory in the Vicinity of a Military Airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, for an average of approximately 170 over flights a day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range, and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflection off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

Luke Air Force Base Auxiliary Field 1, located approximately 15 miles to the northwest of Luke Air Force Base is a site of intense instrument procedure landing approaches, with approximately 12,000 flight operations per year. Aircraft will descend down to 200 feet above the ground over the Auxiliary Airfield and will create severe noise in that area.

For further information, please check the Luke Air Force Base website at www.luke.af.mil or contact the Maricopa County Planning and Development Department."

Such notification shall be included on all plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, be included in all covenants, conditions, and restrictions (CC&Rs) and be included in all public reports and property conveyance documents.

- l. All trees shall be double-staked when installed.

**FORMAL SESSION
September 6, 2006**

- m. A continuous parapet shall screen all roof-mounted equipment.
- n. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All residential HVAC units shall be ground-mounted. All commercial HVAC units shall be ground-mounted or screened from view.
- o. All interior streets within the proposed development are to be constructed to minimum County standards.
- p. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- q. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- r. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the City of Surprise Fire Department. Prior to zoning clearance for any Plans of Development, or the approval of any preliminary plats, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- s. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- t. Sound attenuation adjacent to Grand Avenue shall be at the expense of the developer or builder.
- u. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- v. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

- 5. Z2005-126 District 4**
- Applicant:** Watts Investment, LLC
- Location:** Located north of the northwest corner of 194th Avenue & Roosevelt Street (in the Buckeye area)
- Request:** Rezone from Rural-43 to IND-2 (approximately 2.5 acres) with a Special Use Permit (SUP) for storage and rental of construction equipment (approximately 3.4 acres) – Jackrabbit Equipment Rental

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

COMMISSION ACTION: Commissioner Jones moved to deny Z2005-126 rezone. Commissioner Makula seconded the motion, which passed with a unanimous vote of 7-0.

COMMISSION ACTION: Commissioner Makula moved to recommend approval of Z2005-126 Special Use Permit, subject to the following stipulations "a" through "f". Commissioner Jones seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled "Jackrabbit Equipment Rental Facility", consisting of four (4) sheets, dated ~~June 29, 2006~~ August 15, 2006, and stamped received ~~July 3, 2006~~ August 23, 2006, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisor's approval the applicant shall submit a revised site plan reflecting the following changes:
 - Revise the request to a Special Use Permit (SUP) only removing the rezone element
 - Provide a SUP legal description and correct Assessor Parcel Numbers (APN)
 - Include the zoning district boundary line
 - Relocation of the building from straddling the zoning line and to meet the required setbacks of the underlying zoning district
 - Revise the free standing sign height not to exceed 20' and be relocated outside of the required front yard
 - Relocate the monument sign outside of the required front yard
 - Move the gate and show the 25' sight visibility triangle (SVT) at the driveway entrance on 194th Ave.
 - Revise the parking spaces to be in accordance with Maricopa County Zoning Ordinance standards and requirements
- b. Development of the site shall be in conformance with the narrative report entitled "Jackrabbit Equipment Rental Facility", consisting of four (4) pages, dated (revised) ~~June 29, 2006~~ August 15, 2006, and stamped received ~~July 3, 2006~~ August 23, 2006, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisor's approval the applicant shall submit a revised narrative, eliminating the rezone element of the request.
- c. All signage shall conform with the Maricopa County Zoning Ordinance.
- d. All trees shall be double-staked when installed.
- e. A continuous parapet shall screen all roof-mounted equipment.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

- g. Dedication of additional right(s)-of-way to bring the total half-width dedication to 65' for 195th Avenue (Jackrabbit Trail) shall occur within six (6) months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- h. Prior to zoning clearance the applicant shall provide bonding for development half-street improvements (including paving, gutter and sidewalk) to ultimate half-width for 195th Avenue (Jackrabbit Trail) along the perimeter of the site.
- i. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. The business hours shall be Monday through Friday from 7:00 a.m. until 5:00 p.m.
- l. The owner shall notify future tenants/owners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your building should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

- m. All habitable buildings constructed within this site shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- n. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- o. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- p. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors.
- q. The applicant shall submit a written report outlining the status of the development at the end of five (5) years and fifteen (15) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- r. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- s. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- t. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Darren Gerard said this case consists of two parts, a partial rezone and a Special Use Permit (SUP) for the entire site. The Planning Commission denied the rezoning request and approved the SUP with revised stipulations. The denial was for a lack of sewer to the site. He said there is no known opposition. He said the proposed use is appropriate for septic tanks and the site is appropriate for industrial zoning. The site plan has been revised since the Planning Commission meeting and staff has now approved both parts of this request with the revised stipulations, as given above, that have been approved by the applicant. Wendy Riddell, counsel for the applicant, accepted the revised stipulations but asked to add one minor change to stipulation "k" relating to the hours of operation, now this is set as 7:00 a.m. to 5:00 p.m. and her client would like to change it to the original hours of 6:00 a.m. to 6:00 p.m. Discussion ensued on working hours and also on the septic tank situation. It is extremely doubtful that a sewer system could be brought close enough within the foreseeable future for a tie-in.

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried to concur with the Planning Commission recommendation for approval with revised stipulations "a" through

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

"t" and revised language to stipulations "a" and "b" and changing the business hours to 6:00 a.m. and 6:00 p.m. in stipulation "k." See changes below.

- a. Development of the site shall comply with the site plan entitled "Jackrabbit Equipment Rental Facility Special Use Permit Plan", consisting of four (4) sheets, dated (revised) August 15, 2006, and stamped received August 23, 2006, except as modified by the following stipulations. ~~Development of the site shall comply with the site plan entitled "Jackrabbit Equipment Rental Facility", consisting of four (4) sheets, dated June 29, 2006, and stamped received July 3, 2006, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisor's approval the applicant shall submit a revised site plan reflecting the following changes:~~

- ⊖ ~~Revise the request to a Special Use Permit (SUP) only removing the rezone element~~
- ⊖ ~~Provide a SUP legal description and correct Assessor Parcel Numbers (APN)~~
- ⊖ ~~Include the zoning district boundary line~~
- ⊖ ~~Relocation of the building from straddling the zoning line and to meet the required setbacks of the underlying zoning district~~
- ⊖ ~~Revise the free-standing sign height not to exceed 20' and be relocated outside of the required front yard~~
- ⊖ ~~Relocate the monument sign outside of the required front yard~~
- ⊖ ~~Move the gate and show the 25' sight visibility triangle (SVT) at the driveway entrance on 194th Ave.~~
- ~~Revise the parking spaces to be in accordance with Maricopa County Zoning Ordinance standards and requirements~~

- b. Development of the site shall be in conformance with the narrative report entitled "Special Use Permit Plan Narrative Report for Jackrabbit Equipment Rental Facility", consisting of four (4) pages, dated (revised) August 18, 2006, and stamped received August 23, 2006, except as modified by the following stipulations. ~~Development of the site shall be in conformance with the narrative report entitled "Jackrabbit Equipment Rental Facility", consisting of four (4) pages, dated (revised) June 29, 2006, and stamped received July 3, 2006, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisor's approval the applicant shall submit a revised narrative, eliminating the rezone element of the request.~~

- k. The business hours shall be Monday through Friday from 7:00 ~~6:00~~ a.m. until 5:00 ~~6:00~~ p.m.

6. **Z2005-101 District 3.**
Applicant: Carol Penny Peronto
Location: 349' west of 14th Street and 783' south of Carefree Highway (in the Desert Hills/north Phoenix area)
Request: Special Use Permit (SUP) for a Group Care Facility in the Rural-43 zoning district (approximately 0.81 acres) – Peronto Group Care Facility

COMMISSION ACTION: Commissioner Aster moved to recommend approval of Z2005-101, subject to the following stipulations "a" through "m". Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

**FORMAL SESSION
September 6, 2006**

- a. Development of the site shall comply with the site plan entitled "Peronto Day Treatment Program/Group Care Facility", consisting of two (2) sheets, dated (revised) May 17, 2006, and stamped received May 30, 2006, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisor's approval, the applicant shall provide a revised site plan indicating an additional parking space and an ADA approved access ramp to the facility.
- b. Development of the site shall be in conformance with the narrative report entitled "Peronto Day Treatment Program/Group Program", consisting of nine (9) pages, dated May 19, 2006, and stamped received May 30, 2006, except as modified by the following stipulations.
- c. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- d. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance for grading & paving of the access, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- e. The applicant shall provide paved access including the driveway and access easement to the site in accordance with Daisy Mountain Fire Department criteria.
- f. The staff, including the owner shall not exceed four (4) persons.
- g. The number of students shall not exceed fifteen (15).
- h. The facility shall operate only Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m.
- i. This Special Use Permit shall expire fifteen (15) years from the date of approval by the Board of Supervisors.
- j. The applicant shall submit a written report outlining the status of the development at the end of two (2) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- k. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the

FORMAL SESSION
September 6, 2006

conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.

- m. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Darren Gerard reported on background information for this case and said that there is support for the project. The recommendation is for approval of this Special Use Permit. Supervisor Kunasek agreed that general support had been expressed to him at a town meeting in New River.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "m."

- 7. **Z2006-005 District 3**
Applicant: Cingular/Infranext for Anthem Arizona, LLC
Location: Anthem Way southeast of Anthem Ridge Drive (in the Anthem area)
Request: Special Use Permit (SUP) for wireless communication facilities two (2) faux Saguaro with associated equipment shelter in the R1-6 RUPD zoning district, Wireless Facilities Use District 1 (approximately 0.01 acres) – Cingular Wireless @ Anthem CC East Maintenance Bldg

COMMISSION ACTION: Commissioner Smith moved to recommend approval of Z2006-005, subject to the following stipulations "a" through "n". Commissioner Aster seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled "Cingular Wireless P765-01-P1 Anthem CC East Maint. Special use for two Wireless Communication Facilities", consisting of six (6) sheets, dated (revised) May 3, 2006, and stamped received May 31, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Cingular P765 Anthem East 2 Faux Saguaro & Equipment", consisting of seven (7) pages, dated May 2006, and stamped received May 31, 2006, except as modified by the following stipulations.
- c. The height of the wireless communication facility shall be limited to 39'.
- d. The total number of faux Saguaro for this Wireless Communication Facility site is two (2).
- e. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- f. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.

**FORMAL SESSION
September 6, 2006**

- g. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- h. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- i. An Administrative Amendment shall be required to co-locate future carriers on the monopole.
- j. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- k. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- l. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Darren Gerard said this case had several letters both in support and opposition, which were concerned with loss of scenic views. The recommendation for this case is for approval.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Commission's recommendation for approval with stipulations "a" through "n."

**FORMAL SESSION
September 6, 2006**

8. **Z2006-007 District 3**
 Applicant: Cingular/Infranext for Anthem Arizona, LLC
 Location: Anthem Club Drive between Anthem Creek and Mill Creek Way (in the Anthem area)
 Request: Special Use Permit (SUP) for a wireless communication facility - a 34' high faux Saguaro and associated equipment shelter in the R1-7 RUPD zoning district, in Wireless Communication Facilities Use District 1 (approximately 0.01 acres) – Cingular Wireless @ Anthem CC Maintenance Facility (P764)

COMMISSION ACTION: Commissioner Smith moved to recommend approval of Z2006-007, subject to the following stipulations "a" through "n". Commissioner Aster seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled "Cingular Wireless P764-01-P1 Anthem CC East Maint. Special Use for 34' Faux Saguaro Wireless Communication Facility", consisting of five (5) sheets, dated (revised) June 20, 2006, and stamped received June 23, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Cingular P764 at Anthem Country Club Maintenance Facility", consisting of eight (8) pages, dated May 2006, and stamped received May 31, 2006, except as modified by the following stipulations.
- c. The height of the wireless communication facility shall be limited to 34'.
- d. The total number of faux Saguaros for this Wireless Communication Facility site is one (1).
- e. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- f. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- g. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- h. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- i. An Administrative Amendment shall be required to co-locate future carriers on the monopole.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

- j. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- k. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- l. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Darren Gerard reported on this case and said the recommendation is for approval.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "n."

- 9. Z2006-014 District 3**
Applicant: Scott Quinn for Infranext Inc. and Cingular Wireless for Clearwater Hills Improvement Association
Location: West of Upper Ridge Way (in the Paradise Valley area)
Request: Special Use Permit (SUP) for a wireless communication facility Four (4) new antennas on an existing stone wall in the Rural-43 zoning district, Wireless Communication Facilities Use District 1 (approximately 0.01 acres) – Cingular P337

COMMISSION ACTION: Commissioner Aster moved to recommend approval of Z2006-014, subject to the following stipulations "a" through "l". Commissioner Harris seconded the motion, which passed with a unanimous vote of 7-0.

**FORMAL SESSION
September 6, 2006**

- a. Development and use of the site shall comply with the site plan entitled "Cingular Wireless Clearwater Hills", consisting of five (5) full size sheets, dated June 28, 2006, and stamped received June 30, 2006, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Special Use Permit Z2006014 to allow Cingular site P337 to locate a wireless communication site within the Clearwater Hills subdivision", consisting of six (6) pages, dated June, 2006 and stamped received June 6, 2006, except as modified by the following stipulations.
- c. All structures and related equipment are required to be screened and designed to blend in with the surrounding environment.
- d. All panel antennae and related hardware and cables that are mounted on an existing structure shall be painted to match that of the existing structure or camouflaged to reduce visual impacts.
- e. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- f. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- g. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- h. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements associated with the use including the monopole, shall be removed within 60 days of such termination or expiration.
- i. The applicants shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. Should staff deem that the stipulations of approval have not been met staff may forward the Status Report to the Commission for further review and possible action.
- j. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department. Minor changes may be administratively approved by staff of the Planning and Development Department. Co-location shall be considered an administrative process.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

- k. Non-compliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, non-compliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- l. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "l."

- 10. Z2006-046 District 1**
Applicant: Chad & Pamela Stacey Traylor
Location: South of Brooks Farm Road and west of 156th Street (in the Gilbert area)
Request: Special Use Permit (SUP) for a Cottage Industry for a photography studio in the Rural-43 zoning district (approximately 1.6 acres) – Traylor Arts and Productions

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2006-046, subject to the following stipulations "a" through "o". Commissioner Smith seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled "Traylor Studio", consisting of one (1) full-size sheet, dated (revised) June 20, 2006, and stamped received June 30, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Traylor Arts & Productions, LLC Studio", consisting of six (6) pages, dated (revised) June 30, 2006, and stamped received June 30, 2006, except as modified by the following stipulations.
- c. The photography studio shall operate Monday - Friday from 7 a.m. - 7 p.m. and on Saturdays from 7 a.m. - 7 p.m.
- d. There shall be no more than ten (10) clients on the site at any given time.
- e. All trees shall be double-staked when installed.
- f. A continuous parapet shall screen all roof-mounted equipment.
- g. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- h. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 6, 2006**

- i. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- j. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- k. This Special Use Permit shall expire ten (10) years from the date of approval by the Board of Supervisors.
- l. The applicant shall submit a written report outlining the status of the development at the end of two (2) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- m. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- o. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Darren Gerard said the recommendation is for approval of this case.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval with stipulations "a" through "o."

~ Chairman Stapley declared a conflict with the following case.

He turned the gavel over to Vice Chairman Brock prior to leaving the room ~

- 11. S2006-022 District 1**
Applicant: Arroyo Pacific Partner LLC

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
September 6, 2006

Location: Southwest corner of Lemon Avenue & Riggs Road (in the Chandler Heights area)
Request: Final Plat in the Rural-43 RUPD zoning district for Sonterra (approximately 21.26 gross acres)

Darren Gerard asked for this case to be continued to September 25, 2006, to complete necessary steps to ready it for consideration.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-0-1) to continue this case to the September 25, 2006, meeting. Chairman Stapley was recused from this case because of a conflict of interest and did not vote. (Clerk's Note: [not part of the formal minutes] See subsequent action on this final plat in the formal meeting minutes of September 25, 2006 and December 20, 2006 and the special meeting minutes of September 26, 2006.)

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Don Stapley, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board